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**PLANNING COMMISSIONERS**

PATRICIA KORZEC  
Chairperson

ALVIN DEJOHNETTE  
Vice Chairperson

JEFFREY SIMS  
Commissioner



RAFAEL BRUGUERAS  
Commissioner

VACANT  
Commissioner

VACANT  
Commissioner

VACANT  
Commissioner

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# **PLANNING COMMISSION Regular Meeting**

## **Agenda**

**Thursday, May 27, 2021 at 7:00 PM**

**TELECONFERENCED MEETING  
[Pursuant to Governor Executive Order N-29-20]**

**There Will Not Be a Physical Location for Attending the Meeting**

**The Public May Observe the Meeting and Offer Public Comment As Follows:**

### **STEP 1**

**Install the Free Zoom App or Visit the Free Zoom Website at [<https://zoom.us/>](https://zoom.us/)**

### **STEP 2**

**Get Meeting ID Number, Password and On the List to Speak by emailing [zoom@moval.org](mailto:zoom@moval.org) or calling (951) 413-3206, no later than 6:00 p.m. on Thursday, May 27, 2021**

### **STEP 3**

**Select Audio Source**

*Computer Speakers/Microphone*

*or*

*Telephone*

### **STEP 4**

**Public Comments May be Made Via Zoom**

***During the Meeting, the Chairperson Will Explain the Process for Submitting Public Comments***

## **ALTERNATIVE**

**If you do not wish to make public comments, you can view the meeting on Channel MVTV-3, the City's website at [www.moval.org](http://www.moval.org) or YouTube**

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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 951.413.3120 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.*

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**PUBLIC COMMENTS PROCEDURE**

*During the public comment period for each item, as well as during the public comment period for items not on the agenda, the clerk will call upon each person who is on the Zoom application that has requested to speak. Each member of the public wishing to speak will have a maximum of 3 minutes to speak on any agenda item, 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. Those wishing to speak should follow the teleconference procedures. If you are absent at the time your name is called, you will forfeit the opportunity to speak on the items.*

**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.*

**NON-PUBLIC HEARING ITEMS**

No items for discussion.

**PUBLIC HEARING ITEMS**

- 1. Case: PEN19-0240 MoVal 2040: Comprehensive General Plan Update and Climate Action Plan  
PEN21-0030 Municipal Code Amendment Zoning Ordinance Amendment, and Zoning Atlas Amendments
- Applicant: City of Moreno Valley
- Property Owner: Various
- Location: City-wide
- Case Planner: Chris Ormsby, AICP
- Council District: All districts

Proposal

Approval of a Comprehensive General Plan, Climate Action Plan and Municipal Code Zoning Ordinance Amendments to implement the updated General Plan

**OTHER COMMISSION BUSINESS**

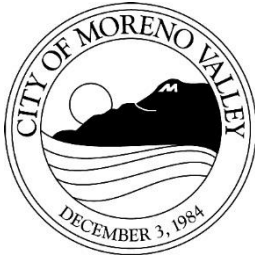
No items for discussion.

**STAFF COMMENTS**

**PLANNING COMMISSIONER COMMENTS**

**ADJOURNMENT**

Planning Commission Regular Meeting, June 10, 2021 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: May 27, 2021

#### COMPREHENSIVE GENERAL PLAN UPDATE, CLIMATE ACTION PLAN, MUNICIPAL CODE ZONING ORDINANCE AMENDMENT, AND ZONING ATLAS AMENDMENT

Case: PEN19-0240 MoVal 2040: Comprehensive General Plan Update and Climate Action Plan  
PEN21-0030 Municipal Code Amendment Zoning Ordinance Amendment, and Zoning Atlas Amendments

Applicant: City of Moreno Valley

Property Owner: Various

Location: City-wide

Case Planner: Chris Ormsby, AICP

Council District: All districts

Proposal: Approval of a Comprehensive General Plan, Climate Action Plan and Municipal Code Zoning Ordinance Amendments to implement the updated General Plan

#### **SUMMARY**

#### **PROJECT DESCRIPTION**

The project, collectively known as “MoVal 2040”, consists of:

(1) The City’s comprehensive General Plan Update, which articulates a vision for the City’s growth over the next 20 years. The proposed update implements five new General Plan land use designations: Business-Flex, Corridor Mixed Use, Center Mixed Use, Downtown Center, and Highway Office/Commercial.

(2) A Climate Action Plan demonstrating how the City will comply with the State's emission reduction standards and streamlining environmental review of future development projects.

(3) Municipal Code amendments and Moreno Valley Zoning Map/Atlas modifications to implement the General Plan land uses and policies, including new zoning map designations, development regulations, and regulations related to Airport Land Use Compatibility plans.

## **BACKGROUND**

On October 1, 2019, the City Council authorized staff to award a project-related professional service agreement to Dyatt & Bhatia, an urban and regional planning firm, for the preparation of a comprehensive update to the City's General Plan, including two new General Plan Elements, and preparation of associated documents.

Dyett & Bhatia along with their consulting team, drafted documents for City review, providing technical expertise and assistance to City staff in the areas of: stakeholder and public outreach; visioning; identification of community issues and goals; preparation of an existing conditions analysis, and background and baseline reports; development of alternatives; preparation of the requisite California Environmental Quality Act (CEQA) environmental document (e.g. Program EIR) and processing requirements; preparation of updated text, statistics, tables, maps and graphics for each element; and a fiscal report on the recommendations. The consultant worked with the City's Executive Team along with management and other staff, stakeholders, and the General Plan Advisory Committee (the GPAC, an appointed advisory body), and received input from the City Planning Commission and the City Council to accomplish the project.

## **REGULATORY REQUIREMENT COMPLIANCE**

The Governor's Office of Planning and Research (OPR) strongly encourages cities and counties in California to maintain their General Plans through periodic updates; individual element updates may be triggered by specific requirements. The periodic updates confirm, validate, and/or adjust the policies and goals of their General Plan to set forth a long-term vision for the community and establish desired standards, levels of service and other policies that influence quality of life expectations with appropriate fiscal considerations. The City of Moreno Valley's last comprehensive General Plan update was in 2006. Since 2006, changes in economic conditions, technology, environmental considerations, and demographic shifts took place warranting an update to the General Plan.

The General Plan must include eight (8) mandated elements: Land Use; Circulation; Housing; Conservation; Open Space; Noise; Safety; and Environmental Justice. State law has mandated that certain elements of the General Plan be updated as follows:

- The Housing Element is required to be updated on an eight-year cycle as set by the State Department of Housing and Community Development. The deadline for the next Housing Element is October of 2021. The Housing Element presents a plan for accommodating Moreno Valley's share of the regional housing need through 2029, projected by the State of California to be 13,595 new homes.
- Environmental Justice became a mandatory element under SB 1000, signed into law in 2016, which requires that as of January 2018, California cities with disadvantaged communities are required to incorporate environmental justice policies into their General Plan either by adopting an Environmental Justice element, or by integrating Environmental Justice goals and policies into the other elements of their General Plan upon concurrent adoption or revision of two or more elements.
- SB379, signed into law in October 2015, requires that upon revision of a local hazard mitigation plan on or after January 1, 2017, the local safety element must be updated to consider and address flood hazards, wildfire hazards, and hazard mitigation. Moreno Valley's local hazard mitigation plan was revised in May 2017.
- As a result of the passage of Senate Bill 743, the Circulation Element must include metrics for traffic impact analyses based on Vehicle Miles Traveled (VMT) methodology which has replaced the Level of Service (LOS) methodology which was the former standard used to evaluate and analyze traffic impacts.

Failure to comply with statutory requirements related to the General Plan could result in a court compelling adoption and/or injunctions limiting approval of subdivision maps, rezoning, public works projects, or even the issuance of building permits (State of California 2017 General Plan Guidelines p. 258). Noncompliance with Housing Element requirements could result in referral to the State Attorney General for action, mandated streamlining of certain housing approvals, and/or ineligibility for state and federal funding opportunities.

Given the need to update at least four General Plan Elements and the age of the current overall General Plan, staff recommended that the comprehensive update of all eight elements of the General Plan be considered, and that the mandated Environmental Justice Element be added, along with other elements. The Economic Development Element was included because of the importance of economic development to establish a better jobs to housing balance, and to further the City Strategic Plan, Momentum MoVal, Initiative 1.9.4 which states an Economic Development Element be included in a comprehensive update of the General Plan. Additionally, a Healthy Community Element has been incorporated in the comprehensive update of the General Plan. The Healthy Community Element furthers the City's Strategic Plan Objective 5.5 to promote a healthy community and lifestyle which includes Initiative 5.5.2 that explicitly states that the City shall "consider the incorporation of a Health Element in the General Plan."

In addition to regulatory mandates that apply to the General Plan Elements, General Plans must be consistent with Airport Land Use Compatibility (ALUC) Plans. This has been addressed through review with Airport Land Use Commission staff and the Airport Land Use Commission.

## DISCUSSION

### Outreach

Prior to commencing work on the General Plan update, a series of outreach activities were conducted. The outreach activities included, but were not limited to, the following:

- Posting video on social media informing the community of the coming General Plan update;
- Disseminating flyers at the City's public counter and throughout the community (libraries, grocery stores, coffee shops, book stores, gyms, and more);
- Holding Pop-up events distributed throughout the City, including booths at the City's Snow Day, Hound Town event, the Senior Center, Moreno Valley Mall, Moreno Valley College, and a census event held at the Moreno Valley Conference and Recreation Center;
- Interviewing designated Stakeholders;
- Conducting public workshops (four in person, one online) which included the public scoping meeting which was held during the Notice of Preparation review period;
- Holding six General Plan Advisory Committee meetings that were all open to the public;
- Conducting two Online Surveys;
- Providing a presentation to the Planning Commission;
- Providing two presentations to the City Council;
- Preparing Executive Summaries of the General Plan in both English and Spanish, which were made available at the City's three public libraries and on the City's website; and
- Dispatching email blasts to the General Plan's interest list on a regular basis to inform interested parties of the progress of the General Plan update

### General Plan Update

Goals of the City's draft comprehensive General Plan update include:

- Responding to changing demographic and economic circumstances.
- Addressing new State law that has come into force since the General Plan was last updated in 2006.
- Identifying additional residential capacity to comply with the State's Housing Element requirements, including the requirements of the Regional Housing Needs Assessment.
- Ensuring that the City complies with requirements of the Airport Land Use Commission Plan;
- Creating added flexibility for new businesses within the City; and

- Implementing the vision for the City of Moreno Valley that was articulated by residents, other interested parties and the City Council during the outreach phase of the update.

The land use concept areas presented in the draft General Plan are as follows:

- A new **Downtown Center with a large central park** was created to implement the City's vision of a vibrant downtown at the heart of the City to serve as a focal point for the community. This Downtown Center will allow for a mix of uses to create the setting for business, entertainment, residential, cultural, and civic uses, making the Downtown Center an activity hub during daytime and evening hours.
- **Center Mixed Uses** were developed around the Moreno Valley Mall and the District shopping areas to expand the City's housing opportunities and provide for the addition of appropriate commercial uses.
- **Corridor Mixed Uses** were developed to encourage mixed uses along corridors such as Perris Boulevard, including added residential to expand the City's housing opportunities and to help meet the City's RHNA obligation as well as to encourage activity in commercial areas.
- The **Business Flex** area will consist of business park and commercial uses created to ensure that uses in the Airport Land Use Commission Plan area comply with ALUC requirements.
- **Highway/Office Commercial** was developed to enhance the existing office zoning north of the SR-60 around Moreno Beach Drive and Redlands Boulevard.
- **Residential Density Increases** were planned for in additional designated areas in order to help meet RHNA requirements and provide additional housing opportunities.

Highlights of other draft General Plan elements include:

**Circulation:** Actions include planning to maximize the benefit to the public of new transportation technology, and implementing pilot programs to leverage new transportation technology;

**Economic Development:** Policies include focusing business attraction efforts on emerging industries, actively promoting Moreno Valley's assets to position the city as a destination, and promoting and supporting recreational, sporting, cultural, and entertainment events in and around Moreno Valley;

**Parks and Public Services:** Actions include prioritizing the creation of parks and designing the multi-use trail network to connect parks, plazas and open spaces within the community;



**Healthy Communities:** Policies include promoting broad awareness of the recreation opportunities offered in Moreno Valley and promoting public spaces that foster positive human interaction and healthy lifestyle.

The draft General Plan can be reviewed at <http://www.moval.org/cdd/documents/general-plan-update/draft-docs/MV-GP-PublicReview.pdf>.

### Climate Action Plan

The Climate Action Plan (CAP) demonstrates how the City will comply with State emission reduction standards. The CAP inventories existing GHG emissions sources, forecasts future GHG emissions and provides measures to reduce these emissions as well as a plan to monitor and periodically report progress. The CAP will enable streamlined environmental review of future development projects as provided for by the California Environmental Quality Act.

The draft Climate Action Plan can be reviewed at <http://www.moval.org/cdd/documents/general-plan-update/draft-docs/ClimateActionPlan/Draft-MV-CAP.pdf>.

### Zoning Map Amendment & Municipal Code Zoning Ordinance Amendment

Zoning consistency with the General Plan is a requirement of State law and zoning must be changed to re-establish consistency “within a reasonable time” upon adoption of a new General Plan Land Use Element (Government Code Section 65860(c)). The State Office of Planning and Research suggests that when possible, general plan amendments and related zoning changes should be considered simultaneously.

The City’s Official Zoning Atlas will implement the newly established General Plan designations as new zoning designations. Towards this end, the following new zoning designations have been developed:

- DC - Downtown Center
- COMU - Corridor Mixed Use
- CEMU - Center Mixed Use
- B-F - Business Flex
- H O/C - Highway Office/Commercial

A list of permitted uses and development regulations associated with the new zones has been developed consistent with the General Plan policies and vision for each zone. Generally, the zones presented allow for mixed commercial and residential uses. The Business Flex and Highway Office/Commercial zones do not include residential uses and the Business Flex zone is the only new zone to permit business park/light industrial uses.

## **REVIEW PROCESS**

Significant community outreach was conducted as noted above. Additionally, input from a variety of outside agencies was received including the State's Housing and Community Development Department regarding the Housing Element, the Board of Forestry regarding the Safety element, and the Airport Land Use Commission. City staff at all levels were actively involved in document preparation, review, and finalization.

## **ENVIRONMENTAL**

A Draft Environmental Impact Report (DEIR) was prepared for the project and circulated for a 45-day public review period, starting on April 2<sup>nd</sup> and concluding on May 17<sup>th</sup>. The DEIR was sent to all required State and local agencies and interested parties, consistent with the requirements of the California Environmental Quality Act and the CEQA Guidelines was posted on the City's website. The Notice of Availability was published in the Press-Enterprise newspaper.

The DEIR identifies that the project will result in environmental impacts. Mitigation measures are included to reduce the level of environmental impacts. After mitigation, the project would result in significant and unavoidable environmental effects in the areas of Agriculture, Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Noise, and Transportation. The DEIR can be reviewed at <http://www.moval.org/cdd/documents/general-plan-update/draft-docs/Moval-2040-Draft-EIR.pdf>.

The Final Environmental Impact Report (FEIR) was prepared after the conclusion of the draft review period and includes responses to all public comments received during the review period which can be reviewed at [http://www.moval.org/cdd/documents/general-plan-update/final-docs/Moval%202040 Final%20EIR with%20RTCs.pdf](http://www.moval.org/cdd/documents/general-plan-update/final-docs/Moval%202040%20Final%20EIR%20with%20RTCs.pdf).

In cases where impacts cannot be reduced to less than significant levels, CEQA allows the Lead Agency to consider adoption of a Statement of Overriding Considerations and Findings (SOC). CEQA requires that the SOC balance economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as creation of jobs or other desired beneficial project features versus project impacts that cannot be feasibly mitigated to less than significant levels. If the Lead Agency determines benefits of a proposed project outweigh its unavoidable adverse environmental effects, it may adopt a SOC and approve the project. The SOC prepared for this project provides specific documentation of economic benefits this project would provide including annual taxes, job creation and roadway infrastructure.

## **NOTIFICATION**

The public hearing notice for this project was published in the local newspaper (Press Enterprise) on May 14, 2021, posted on the City's website, and emailed to all parties who had requested notification.

## **SUMMARY**

With approval, the City's updated General Plan will ensure that the City is in compliance with the regulatory requirements for General Plans and Housing Elements and will articulate the aspirational goals for the City of Moreno Valley expressed by residents, the General Plan Advisory Committee, the Planning Commission, and the City Council.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2021-19 (Certification of EIR and related actions), Resolution No. 2021-20 (Approval of GPA for MoVal 2040), and Resolution No. 2021-21 (Municipal Code Amendment) and thereby recommend that the City Council:

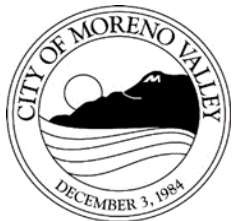
1. **CERTIFY** that the Final Environmental Impact Report (EIR) for the comprehensive General Plan update, Climate Action Plan, Municipal Code Amendment and related changes to the official Zoning Atlas on file with the Community Development Department, incorporated herein by this reference, have been completed in compliance with the California Environmental Quality Act and CEQA Guidelines, that the Planning Commission reviewed and considered the information in the Final EIR and that the Final EIR reflects the City's independent judgement and analysis; and
2. **ADOPT** the Facts, Findings and Statement of Overriding Considerations regarding the Final EIR for the City of Moreno Valley Comprehensive General Plan Update, attached hereto as Exhibit A; and
3. **ADOPT** the Mitigation Monitoring and Reporting Program for the Final EIR for the proposed Comprehensive General Plan Update project and Climate Action Plan, attached as Exhibit B; and
4. **APPROVE** PEN19-0240, City of Moreno Valley Comprehensive General Plan update and Climate Action Plan respectively; and
5. **APPROVE** PEN21-0030, Amending the Municipal Code and the City's Official Zoning Atlas respectively, consistent with the General Plan update.

Prepared by:  
Chris Ormsby  
Senior Planner

Approved by:  
Manuel A. Mancha  
Community Development Director

**ATTACHMENTS**

1. MoVal 2040 PC Notice\_final
2. Resolution No 2021-19 Certification of EIR
3. Exhibit A Draft Findings
4. Exhibit B MMRP
5. Resolution No. 2021-20 Approval of GP Update and Climate Action Plan
6. General Plan Errata sheet
7. Resolution No. 2021-21 Municipal Code Amendment for GP update
8. Exhibit A Final draft Municipal Code Amendment
9. Exhibit B Permitted Use Table 1 Final Draft
10. Exhibit C Permitted Use Table 2 Final Draft
11. Exhibit D Illustrative Zoning Map
12. Exhibit E PAKO Map
13. Exhibit F Mixed Use Overlay Map



# CITY OF MORENO VALLEY PLANNING COMMISSION

**VIA TELECONFERENCE ONLY**  
**PURSUANT TO COVID-19**  
**GOVERNOR EXECUTIVE ORDER N-29-20**

## **NOTICE OF PUBLIC HEARING AND ENVIRONMENTAL DETERMINATION**

**NOTICE IS HEREBY GIVEN** that a teleconferenced Public Hearing will be held by Planning Commission of the City of Moreno Valley on the date and time set forth below:

- Date and Time:** May 27, 2021 at 7:00 p.m.  
**Location:** **VIA TELECONFERENCE ONLY**  
 Go to <http://morenovalleyca.igq2.com/Citizens/default.aspx> for instructions.
- Item:** Moreno Valley Comprehensive General Plan Update (MoVal 2040) including General Plan Elements, Climate Action Plan, and Final Program Environmental Impact Report (State Clearinghouse No. 2020039022); and related Zoning Atlas amendments and Municipal Code Zoning Ordinance amendments
- Proposal:** The following actions are recommendations to the City Council:  
 (1) Certification of the final Program Environmental Impact Report, (2) Approval of General Plan Amendment to adopt the General Plan, and approval of the Climate Action Plan, (3) Adoption of a Municipal Code Amendment establishing five new zoning designations consistent with the General Plan Update, and (4) Approval of an update to the City's Official Zoning Atlas for consistency with the General Plan Update

**Project Description Summary:** The Moreno Valley General Plan Update (MoVal 2040) will guide the City's planning and development through 2040. The Climate Action Plan provides measures to reduce existing and forecasted greenhouse gas emissions. Amendments to the City's Zoning Atlas and Municipal Code will implement the General Plan, serving as the foundation for future planning and development decisions made by City staff, the Planning Commission, and the City Council. The Zoning Atlas and Municipal Code amendments have been determined to be within the scope of the Program Environmental Impact Report for MoVal 2040.

State law requires the City to adopt a comprehensive, long-term General Plan for the physical development of its planning area. MoVal 2040 includes both State-mandated and discretionary Elements. The Elements include: (1) Land Use and Community Character, (2) Open Space and Resource Conservation, (3) Housing, (4) Circulation, (5) Parks and Public Services, (6) Noise, (7) Safety, (8) Environmental Justice, (9) Economic Development, and (10) Healthy Community. The specific details of each Element reflect local conditions and circumstances. MoVal 2040 also includes a Climate Action Plan that will include a community-wide inventory of greenhouse gas emissions and a strategy for reducing such emissions to meet State-mandated targets.

**Program Environmental Impact Report:** A Program Environmental Impact Report (EIR) has been prepared consistent with the provisions of the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14 CCR §15000 et seq.). MoVal 2040 has been extensively evaluated pursuant CEQA and the CEQA Guidelines. A Program Environmental Impact Report (EIR) and Statement of Overriding Findings have been

prepared for the Proposed Project. CEQA requires that all cities consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The City published and distributed a Notice of Availability of the Draft Program EIR in accordance with CEQA Guidelines Section 15087 on April 2, 2021. The public comment period for the Draft EIR closed on May 17, 2021.

**Document Availability:** The MoVal 2040 documents and Program EIR are available for review in person by appointment only (due the COVID Pandemic) at City Hall located at 14177 Frederick Street, Moreno Valley, California by calling (951) 413-3206 during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday), and on the “2040 General Plan Update” webpage at <http://www.moval.org/cdd/documents/general-plan-documents.html> or can be accessed from a link at <http://www.moval.org/2040>.

In addition, the MoVal 2040 General Plan Update and Program EIR are available for review at the City’s three Library Branches located at:

- Main Branch, 25480 Alessandro Boulevard
- Mall Branch, 22500 Town Circle
- Iris Plaza Branch, 16170 Perris Boulevard

Due to the COVID Pandemic, please check the business hours of the Library Branches on the day you wish to review the documents.

**Public Testimony:** All interested parties will be provided an opportunity to submit oral testimony during the teleconferenced Public Hearing and/or provide written testimony during or prior to the teleconferenced Public Hearing.

**COVID-19 – IMPORTANT NOTICES:** Please note that due to the COVID-19 pandemic situation, staff will attempt to make reasonable arrangements to ensure accessibility to inspect the aforementioned records. **In addition, special instructions on how to effectively participate in the teleconferenced Public Hearing, as approved by Governor Executive Order No. N-25-20, will be posted at <http://morenovalleyca.igam2.com/Citizens/default.aspx> and will be described in the Planning Commission agenda.**

**GOVERNMENT CODE § 65009 NOTICE:** If you challenge any of the proposed actions taken by the Planning Commission in court, you may be limited to raising only those issues you or someone else raised during the teleconferenced Public Hearing described in this notice, or in written correspondence delivered to the Planning Division of the City of Moreno Valley during or prior to, the teleconferenced Public Hearing.

**ACCESSIBILITY:** Upon request and 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 the meeting should direct such request to James Verdugo, ADA Coordinator, at (951) 413-3350 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**STAFF CONTACT:** Due to the COVID-19 pandemic situation, if you have questions regarding this Public Hearing, please contact Chris Ormsby, AICP, Senior Planner, by telephone at (951) 413-3229 or via email at [chriso@moval.org](mailto:chriso@moval.org).

## RESOLUTION NUMBER 2021-19

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR MOVAL 2040, COMPREHENSIVE GENERAL PLAN AMENDMENT UPDATE AND CLIMATE ACTION PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF

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

**WHEREAS**, on October 1, 2019, the City Council authorized staff to award a project-related professional services agreement to Dyett and Bhatia, an urban and regional planning firm, for the preparation of a comprehensive update to the City’s General Plan, and preparation of associated documents including an Environmental Impact Report, prepared by subcontractor, RECON Environmental, a firm that provides environmental consulting services and is included on the Community Development Department’s list of firms qualified to prepare environmental documents; and

**WHEREAS**, a Notice of Preparation was prepared consistent with the California Environmental Quality Act<sup>1</sup> and the CEQA Guidelines<sup>2</sup> and a public comment period was scheduled for March 9, 2021 through April 9, 2021, with a public workshop being conducted on March 14, 2021 on the General Plan update which served as the public scoping meeting; and

**WHEREAS**, a Notice of Preparation was prepared consistent with the California Environmental Quality Act; the comment period was March 9, 2020 through April 9, 2020 and a public workshop on the General Plan update was held within the comment period on Saturday, March 14, which served as the public scoping meeting; and

**WHEREAS**, all public input received in writing and the scoping meeting were considered in the preparation of the Draft Environmental Impact Report (“Draft EIR”) consistent with the requirements of CEQA and the CEQA Guidelines; and

**WHEREAS**, in conjunction with preparation of MoVal 2040, RECON Environmental prepared an Environmental Impact Report consistent with the City’s Rules and Procedures to Implement CEQA, which considers all impacts of MoVal 2040, and includes all the requirements of CEQA and all technical data prepared by RECON or other sub-consultants; and

**WHEREAS**, pursuant to the provisions of the CEQA and the CEQA Guidelines, the Draft Environmental Impact Report was prepared, thoroughly and independently

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

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

reviewed by the City, and circulated for a 45-day public review period, starting on April 2<sup>nd</sup> and concluding on May 17, 2021; and

**WHEREAS**, The Draft EIR and/or Notice of the Availability of the Draft EIR was sent to all required State and local agencies and interested parties consistent with the requirements of CEQA and the CEQA Guidelines and was posted on the City's website and published in the Press-Enterprise newspaper; and

**WHEREAS**, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Moreno Valley Municipal Code and Government Code section 65905, a public hearing was scheduled for May 27, 2021, with notice thereof being duly published and posted and an advertisement exceeding one-eighth page was published on May 15, 2021 in lieu of providing individual notices to property owners since greater than 1,000 property owners are affected by the project as provided for in Section 9.02.200 (C.2); and

**WHEREAS**, on May 27, 2021, 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 27, 2021, in accordance with the provisions of CEQA<sup>3</sup> and the CEQA Guidelines,<sup>4</sup> the Planning Commission considered and recommended that the City Council certify the Environmental Impact Report based on the Findings of Fact included as Exhibit A to this Resolution.

**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.

**Section 3. Evidence**

That the Planning Commission has considered all of the evidence submitted into the administrative record for the General Plan Amendment, including, but not limited to, the following:

<sup>3</sup> Public Resources Code §§ 21000-21177

<sup>4</sup> 14 California Code of Regulations §§15000-15387



- (a) MoVal 2040 documents, including the General Plan update and Climate Action Plan, and all relevant provisions contained therein;
- (b) Text Amendments to Title 9 as described in Resolution 2021-21, and Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all relevant provisions referenced therein;
- (c) Changes to the City's Zoning Atlas to add new zones (Downtown Center, Corridor Mixed Use, Center Mixed Use, Business Flex, and Highway Office/Commercial, and other changes for consistency with the General Plan Land Use Map LCC-4 of the Land Use and Community Character Element (Exhibit A) including applicable modifications to residential density and to the locations of the existing overlay zones, Primary Animal Keeping Overlay (PAKO) and existing Mixed-Use Overlay (MUO) district, all other relevant provisions contained therein as shown on Exhibit A;
- (d) Application for the approval of MoVal 2040, which included the preparation of an Environmental Impact Report, and all documents, records and references contained therein;
- (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 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 recommends that the City Council approve the Findings of Fact including all required findings under the California Environmental Quality Act, and includes the Statement of Overriding findings in Exhibit A of Resolution 2021-19, and the Mitigation Monitoring and Reporting Program (Exhibit B). The Final Environmental Impact Report, Draft Environmental Impact Report, and Technical Appendices are on file with the Community Development Department and posted on the City's website.

#### **Section 5. Certification of Final EIR**

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 certify the Final Environmental Impact Report as described in Section 4 based on the Findings of Fact in Exhibit A and adopt the Mitigation Monitoring and Reporting Program in Exhibit B. The Final Environmental Impact Report, Draft Environmental Impact Report, and Technical Appendices are on file with the Community Development Department and posted on the City's website.

#### **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.

**PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

\_\_\_\_\_  
Patricia Korzec, Chairperson

ATTEST:

\_\_\_\_\_  
Patty Nevins,  
Planning Official

APPROVED AS TO FORM:

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

Exhibits:

Exhibit A Findings (includes Statement of Overriding Findings)

Exhibit B Mitigation Monitoring and Reporting Program

**CANDIDATE FINDINGS OF FACT  
FOR THE CITY OF MORENO VALLEY CERTIFYING THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
MOVAL 2040 PROJECT**

**City of Moreno Valley**

**SCH #2020039022**

Section 21081(a) of the California Environmental Quality Act (CEQA) and Section 15091(a) of the CEQA Guidelines (Guidelines) require that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless such public agency makes one or more of the following findings:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can or should be, adopted by that other agency; or
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

CEQA also requires that the findings made pursuant to Section 15091 of the CEQA Guidelines be supported by substantial evidence in the record (Section 15091(b) of the CEQA Guidelines). Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (Section 15384 of the CEQA Guidelines).

The following Candidate Findings of Fact (Findings) have been submitted to the City of Moreno Valley (City), as the decision-making body, to be approved for MoVal 2040 Project Final Environmental Impact Report (Final EIR) pursuant to CEQA. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Findings. It is the role of staff to independently evaluate the proposed Findings and to make a recommendation to the decision-maker regarding their legal adequacy.

## **I. INTRODUCTION**

### **A. Environmental Impact Report**

Consistent with Section 15168 of the CEQA Guidelines, this EIR provides a programmatic analysis of the environmental impacts associated with implementation of the goals, policies, actions, and projected buildout of the MoVal 2040 Project (project). As described in Section 15168

of the CEQA Guidelines, program-level environmental review documents are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria. The project which is the subject of this EIR consists of long-term plans that will be implemented as policy documents guiding future development activities and related City actions. The purpose of this program-level EIR is intended to inform decision-makers and the general public of the potential significant environmental impacts of the project. This program-level EIR also considers the availability of mitigation measures to minimize the project's significant impacts and evaluates reasonable alternatives to the project that may reduce or avoid one or more significant environmental effects.

## **B. Adoption of Findings and Statement of Overriding Considerations**

The following Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency. The Guidelines also require that the City balance the benefits of the project against any identified unavoidable environmental risks in determining whether to approve the project. The Final EIR identifies significant environmental effects which could remain significant even with the implementation of the identified mitigation measures where feasible as follows: agriculture and forestry resources (important farmland and indirect conversion), air quality (construction emissions of criteria pollutants), biological resources (sensitive species, sensitive riparian habitats, and jurisdictional wetlands and waters), cultural and tribal cultural resources (historic resources, archaeological resources, human remains, and tribal cultural resources), noise (increases in ambient noise associated with traffic and construction), and transportation (vehicle miles traveled). Therefore, the City has carefully considered the benefits of the project and hereby also adopts the attached Statement of Overriding Consideration. The Statement of Overriding Consideration states the specific reasons why the benefits of the project, each of which standing alone is sufficient to support approval of the project, outweigh the unavoidable adverse environmental effects of the project, and explains that the unavoidable environmental effects are considered acceptable.

## **C. Record of Proceedings**

For purposes of CEQA and these Findings, the Record of Proceedings for the project consists of the following documents and other evidence, as indicated in CEQA Guidelines Section 21167.6(e):

- All project application materials.
- All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.
- All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.
- Any transcript or minutes of the proceedings at which the decision-making body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project.

- All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.
- All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.
- All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.
- Any proposed decisions or findings submitted to the decision-making body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.
- The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.
- Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.
- The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.

#### **D. Custodian and Location of Records**

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City Hall, located on 14177 Frederick Street, Moreno Valley, California. The Community Development Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

## **II. PROJECT SUMMARY**

### **A. Project Location**

The regional and local settings of the project are discussed in Chapter 2.0, Environmental Setting, of the Final EIR. The city of Moreno Valley is located within the northwestern portion of Riverside County in the southern Inland Empire portion of the state of California. Moreno Valley is located approximately 63 miles east of downtown Los Angeles, 49 miles east of the city of Irvine, and 43 miles west of the city of Palm Springs. State Route 60 (SR-60), which runs in an east and west direction through the northern portion of Moreno Valley (east and west direction), and Interstate 215 (I-215), which runs in proximity to the westerly city limits (north and south direction), serve to connect the city to other communities throughout the southern California region. The city is accessible via public transportation by rail, through Metrolink located approximately one-half

mile west of the city limits, and the city is accessible via aircraft at the Inland Port Airport located at the March Air Reserve Base (MARB), which is situated south and west of the city limits. (see Final EIR Figure 2-1).

## B. Project Background

The project was initiated in late 2019 with the intention of updating the City's General Plan to better address the City's current issues and opportunities, and to create a comprehensive plan for the City's future. The City developed a four phase approach to ensure transparent public participation. The four main phases are described below.

Phase 1 of the 2021 GPU focused on community outreach to identify the most important issues to address within the General Plan and to establish a vision for the future of Moreno Valley. This phase included stakeholder interviews, six "pop-up" outreach events, a community-wide online survey, as well as five community workshops (four in-person workshops including an EIR scoping meeting and one virtual workshop). This phase generated input from nearly 700 Moreno Valley community members. Another critical component of Phase 1 was formation of the General Plan Advisory Committee (GPAC). The GPAC served as an advisory body to the City Council and included representation from the perspective of residents, businesses, and other community stakeholders in the development of the 2021 GPU. This provided a public forum to ensure that a wide and diverse range of voices and interests were heard and considered in the process. Based on public input received by GPAC and staff recommendations, in February 2020, the City Council approved the Vision and Guiding Principles for the 2021 GPU.

Phase 2 focused on developing and exploring different land use, circulation, and design concepts for the 2021 GPU. These concepts were established based on input from community members and decision-makers, which provided different options by which the City could achieve the Vision and Guiding Principles. A second community-wide survey was conducted and multiple public meetings were held during this phase. The pros and cons of six different concepts were explored and refined with input from the community, GPAC, and Planning Commission. Between December 2019 and May 2020, close to 1,000 community members participated in the 2021 GPU process. In June 2020, the City Council approved the Preferred Plan Concept, which is now part of the proposed 2021 GPU.

During Phase 3, the GPAC reviewed key goals and provided guidance for the policy frameworks of the 2021 General Plan Update, which culminated in the preparation of drafts of the 2021 General Plan Update, 2021-29 Housing Element, and Climate Action Plan, which were submitted for administrative review by City staff.

Phase 4 consists of environmental review of the Draft 2021 GPU. This EIR has been prepared pursuant to CEQA to identify the significant environmental impacts of implementation of the project along with mitigation measures to address those impacts. This Draft EIR has been made available for public review and comment concurrently with the Draft 2021 General Plan Update, 2021-29 Housing Element, and Climate Action Plan. A Final EIR which will include responses to public comments received will be prepared and presented to the Planning Commission and City Council for their respective review and consideration prior to adoption of the project.

### C. Project Description

The project consists of the following three separate planning documents:

- The 2021 GPU: incorporates changes to the policy framework and land use designations of the existing 2006 General Plan to guide development and conservation through 2040 and comply with new state laws.
- The Housing Element Update for the 2021-2029 planning period: provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community.
- The proposed CAP: establishes a community-wide strategy for reducing GHG emissions and adapting to the effects of climate change.

The project includes an update to the 2006 General Plan that would guide future land use decisions in Moreno Valley, provide a long-term vision for the city, and provide policies and implementing actions that would allow the city to achieve this vision over the life of the General Plan. The General Plan is the primary policy document guiding growth and development within the city through the planning horizon year of 2040. Together with the Zoning Ordinance and related sections of the Municipal Code, the 2021 GPU would serve as the basis for planning-related decisions made by City staff, the Moreno Valley Planning Commission, and the Moreno Valley City Council.

The project includes an update to the currently adopted 2014 Housing Element. The Housing Element is one of the state-mandated elements that must be included in the City's General Plan. State law mandates that the Housing Element include certain items, such as a Housing Needs Assessment; goals, policies, and objectives regarding housing in Moreno Valley; and implementation programs to work toward achieving such goals. As part of the project, the City will prepare a Sixth Cycle Housing Element Update to cover the eight-year planning period from October 2021 through October 2029 and outline a plan for accommodating Moreno Valley's share of the regional housing need, currently determined to be a total of 13,627 newly constructed residential dwelling units. As required by the State of California, the City must zone sufficient land for housing affordable to persons at all income levels.

The project includes preparation of a CAP. The CAP is a community-wide strategy for reducing greenhouse gas (GHG) emissions for the purpose of adapting to the effects of climate change. Preparation of the CAP includes establishing the City's GHG reduction targets as well as specific strategies and implementing actions to achieve these targets.

### D. Associated and Future Actions

Implementation of the project would require additional regulatory actions to be taken by the City, including amendments to the Zoning Code to ensure consistency. The project would require a recommendation from the Planning Commission and adoption by the City Council, for approval of both the 2021 GPU as well as zoning implementation. The Housing Element will require certification by the state Department of Housing and Community Development. Future, subsequent development under the project may require approval of federal, state, and responsible or trustee agencies that may rely on this program-level EIR for decisions in their areas of expertise.

## E. Subsequent Environmental Review

Subsequent environmental review is required for all subsequent actions to entitle future development, including but not limited to, certain subdivision actions, use permits, and transportation/mobility improvements. Subsequent actions must be examined in light of the EIR to determine whether an additional environmental document needs to be prepared.

Subsequent projects may tier from this MoVal 2040 Project EIR, or the City may make a finding that sufficient environmental clearance occurred with this program-level EIR (CEQA Guidelines Sections 15152, 15162 and 15168). The purpose in using a program-level EIR is to comprehensively consider a series of related projects and to streamline subsequent review of development projects.

## III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

Pursuant to pursuant to Section 15060(d) of the CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.) the City determined that the project may have a significant effect on the environment and that an EIR should be prepared to analyze the potential impacts associated with approval and implementation of the project. In accordance with CEQA Guidelines Section 15082(a), a Notice of Preparation (NOP) was circulated for public comment on March 9, 2020, and a scoping meeting was held on Saturday, March 14, 2020 at the City Hall – Council Chambers, located on 14177 Frederick Street, Moreno Valley, California. The NOP, letters received in response to the NOP, and comments made during the scoping meeting are included as Appendix A of this EIR. Through the NOP/Scoping process, the City concluded that the project could have the potential to result in significant impacts to the following environmental categories:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources/Tribal Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation
- Utilities/Service System
- Wildfire

A Draft EIR was prepared for the project and was circulated for public review for a period commencing April 2, 2021 through May 17, 2021. The City received 63 letters of comment during the public review period. Responses to all comments are included as part of the Final EIR. On [date], the City of Moreno Valley Planning Commission held a public hearing to consider the project and, by a [ ] vote, recommended approval of the project and certification of the Final EIR. On [date] the City Council certified the Final EIR, adopted these Findings of Fact, and approved the project.



#### IV. GENERAL FINDINGS

The City hereby finds as follows:

- The City is the “Lead Agency” for the project evaluated in the Final EIR.
- The foregoing statements are true and correct.
- The Final EIR was prepared in compliance with CEQA and the CEQA Guidelines.
- The City has independently reviewed and analyzed the Final EIR.
- A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project, which the City has adopted or made a condition of approval of the project. That MMRP is included as Chapter 7.0 of the Final EIR, is incorporated herein by reference, and is considered part of the record of proceedings for the project.
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the MMRP Coordinator.
- In determining whether the project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2.
- The impacts and potential impacts of the project have been analyzed to the extent feasible at the time of certification of the Final EIR.
- The City has made no decisions that constitute an irretrievable commitment of resources toward the project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the project.
- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.
- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the project and finds as stated in these Findings.

#### V. SUMMARY OF IMPACTS

##### A. No Impact or Less than Significant Impacts (Requiring No Mitigation)

The Final EIR concludes that the project will have no impact or less than significant direct or cumulative impacts and require no mitigation with respect to the following issues:

- Aesthetics (Scenic Vistas; Scenic Resources; Visual Character or Quality; Light or Glare)
- Agriculture and Forestry Resources (Agricultural Zoning and Williamson Act Contracts; Forest Zoning; Forest Land)
- Air Quality (Air Quality Plans; Criteria Pollutants [Operation]; Sensitive Receptors; Odors)
- Biological Resources (Wildlife Corridors; Local Ordinances; Habitat Conservation Plan)
- Energy (Energy Consumption; Renewable Energy or Energy Efficiency)
- Geology/Soils (Seismic Hazards and Unstable Geology; Soil Erosion; Expansive Soils)
- Greenhouse Gas Emissions (GHG Emissions; GHG Plans)

- Hazards/Hazardous Materials (Transport, Use, or Disposal of Hazardous Materials; Accidental Release of Hazardous Materials; Existing or Proposed Schools; Hazardous Materials Sites; Airport Hazards; Emergency Response; Wildland Fires)
- Hydrology/Water Quality (Violate Water Quality Standards/Degrade Water Quality; Deplete Groundwater Supplies; Drainage Patterns; Flood hazard, Tsunami, or Seiche; Water Quality Plans)
- Land Use and Planning (Physically Divide an Established Community; Conflicts with Applicable Plans and Policies)
- Mineral Resources (Mineral Resources; Mineral Resource Recovery Site)
- Noise (Increase in Ambient Noise [Railroad Noise; Stationary Noise]; Vibration [Railroad; Stationary Sources]; Airports)
- Population and Housing (Induce Unplanned Population Growth; Displace People or Housing)
- Public Services and Recreation (Fire Protection; Police Protection; Schools; Other Public Facilities; Parks and Recreational Facilities)
- Transportation (Circulation System; Hazards Due to a Design Feature; Emergency Access)
- Utilities and Service System (Utility Infrastructure; Water Supply; Wastewater Treatment; Solid Waste)

## **B. Significant Impacts Mitigated to Less than Significant Levels**

Potentially significant direct impacts of the project would be mitigated to below a level of significance with respect to the following issues:

- Geology/Soils (Paleontological Resources and Unique Geology)
- Noise (Vibration [Construction])

## **C. Significant Unmitigated Impacts**

The project would result in the following significant unmitigated impacts:

- Agriculture and Forestry Resources (important farmland and indirect conversion)
- Air Quality (construction emissions of criteria pollutants)
- Biological Resources (sensitive species, sensitive riparian habitats, and jurisdictional wetlands and waters)
- Cultural and Tribal Cultural Resources (historic resources, archaeological resources, human remains, and tribal cultural resources)
- Noise (increases in ambient noise associated with traffic and construction)
- Transportation (vehicle miles traveled).

## VI. FINDINGS OF FACT

CEQA and the CEQA Guidelines promulgated thereunder require that the environmental impacts of a project be examined before a project is approved. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
  - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - 3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.

- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Having received, reviewed, and considered the Final EIR for the project, as well as all other information in the record of proceedings on this matter, the following Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

## VII. FINDINGS REGARDING SIGNIFICANT IMPACTS

### A. Findings Regarding Significant Impacts Mitigated to Below a Level of Significance (CEQA Guidelines 15091 (A)(1))

#### Geology/Soils

**Environmental Impact:** As detailed in Final EIR Section 4.7.5.4 (Paleontological Resources and Unique Geology), the project would have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Finding:** Pursuant to Section 21081(a)(1) of CEQA, Section 15091(a)(1) of the CEQA Guidelines, the City finds that conditions, changes, or alterations have been required in, or incorporated into, the project which would reduce the significant environmental effect identified in the Final EIR.

**Facts in Support of Finding:** Construction-related ground-disturbing activities associated with future development could result in significant impacts (loss) of nonrenewable paleontological resources. Because site-specific details and locations of future development projects are not known at this program-level of analysis, impacts to paleontological resources would be potentially significant. The proposed land use plan avoids unique geologic features throughout the City including rock outcroppings and maintains low density land uses within the badlands areas. However, at the program level, without project specific development plans, impacts relating to the destruction of a unique geologic feature would be potentially significant. To reduce potential impacts, the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**PAL-1:** Applications for future development, wherein the Community Development Director or his or her designee has determined a potential for impacts to paleontological resources, shall review the underlying geology and paleontological sensitivity of the site. If it is determined that the potential exists that sensitive paleontological resources are present, the applicant shall be required to comply with the following mitigation framework.

A qualified paleontological monitor shall be present during grading in project areas where a project specific geological technical study has determined that such monitoring is necessary due to the potential for paleontological resources to reside within the underlying geologic formations. The geologic technical study shall also provide specific duties of the monitor, and detailed measures to address fossil remains, if found.

Implementation of mitigation measure PAL-1 would reduce impacts to a level less than significant.

Reference: Final EIR Section 4.7.

### **Noise**

**Environmental Impact:** As detailed in Final EIR Section 4.13.5.2 (Vibration:Construction), the project would have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Finding:** Pursuant to Section 21081(a)(1) of CEQA, Section 15091(a)(1) of the CEQA Guidelines, the City finds that conditions, changes, or alterations have been required in, or incorporated into, the project which would reduce the significant environmental effect identified in the Final EIR.

**Facts in Support of Finding:** Construction details, locations, and equipment for future project-level developments under the 2021 GPU are not known at this time but may cause vibration impacts. Therefore, construction vibration impacts would be potentially significant. To reduce potential impacts, the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**NOS-2:** Prior to issuance of a building permit for a project requiring pile driving during construction within 135 feet of fragile structures, such as historical resources, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or within 75 feet of engineered concrete and masonry (no plaster); or a vibratory roller within 25 feet of any structure, the project applicant shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed Federal Transit Administration (FTA) architectural damage thresholds (e.g., 0.12 inches per second [in/sec] peak particle velocity [PPV] for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving and static rollers as opposed to vibratory rollers shall be used. If necessary, construction vibration monitoring shall be conducted to ensure vibration thresholds are not exceeded.

Implementation of mitigation measure NOS-2 would reduce impacts to a level less than significant.

Reference: Final EIR Section 4.13.

**B. Finding Regarding Mitigation that is Within the Responsibility and Jurisdiction of Another Public Agency (CEQA Guidelines 15091 (a)(2))**

**This Finding does not apply to the implementation of the project.**

**C. Findings Regarding Significant and Unavoidable Impacts (CEQA Guidelines 15091 (A)(3))**

**Agriculture and Forestry Resources**

**Environmental Impact: As detailed in Final EIR Section 4.2.5.1 (Important Farmland), the project would have the potential to convert land designated as Prime Farmland, Farmland of Local Importance, Farmland of Statewide Importance, and Unique Farmland to non-farming uses.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Implementation of the project would impact Prime Farmland and Farmland of Local Importance within proposed Concept Areas. Furthermore, the continued development of properties under the land use designations that would remain unchanged could also result in the conversion of additional land designated as Prime Farmland, Farmland of Statewide Importance or Unique Farmland to non-farming uses. While enrollment in Williamson Act Contracts would serve to preserve such resources, these contracts are voluntary, and the City could only encourage property owners to participate in the program. Furthermore, property owners would have the option not to renew contracts, which would mean that any protection under the program may only be temporary. The project, does not propose any permanent preservation of agricultural land but allows agriculture as an interim use prior to development. Thus, preservation of agricultural resources would not be feasible as it would be inconsistent with General Plan goals and project objectives. Therefore, because the requirement for Williamson Contracts is not enforceable due to their voluntary natures, and because permanent preservation of agriculture is inconsistent with the GPU, no feasible mitigation measures have been identified or proposed that would mitigate impacts related to the conversion of farmland to below a level of significance. Thus, the impact is significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations, below.

Reference: Final EIR Section 4.2.

**Environmental Impact:** As detailed in Final EIR Section 4.2.5.5 (Indirect Conversion), implementation of the project would intensify uses within the Planning Area in a manner that would further reduce the feasibility of agricultural production. Furthermore, the continued development of land under the land use designations that would remain unchanged could also indirectly affect the feasibility of agricultural production through urbanization.

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Implementation of the project would intensify uses within the Planning Area in a manner that would reduce the feasibility of agricultural production.

Furthermore, the continued development of land under the land use designations that would remain unchanged could also indirectly affect the feasibility of agricultural production through continued urbanization. Therefore, the project would result in indirect conversion of potential farmland resources to non-agricultural uses, which would be considered a significant impact. While enrollment in Williamson Act Contracts would serve to preserve such resources, these contracts are voluntary, and the City could only encourage property owners to participate in the program. Furthermore, property owners would have the option not to renew contracts, which would mean that any protection under the program may only be temporary. The project, does not propose any permanent preservation of agricultural land, but allows agriculture as an interim use prior to development. Thus, preservation of agricultural resources would not be feasible as it would be inconsistent with General Plan goals and project objectives.

Therefore, because the requirement for Williamson Contracts is not enforceable due to their voluntary natures, and because permanent preservation of agriculture is inconsistent with the GPU, no feasible mitigation measures have been identified or proposed that would mitigate impacts related to the conversion of farmland to below a level of significance. Thus, the impact is significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations, below.

Reference: Final EIR Section 4.2.

### Air Quality

**Environmental Impact: As detailed in Final EIR Section 4.3.5.2.a (Criteria Pollutants), the scale and extent of construction activities associated with buildout of the Planning Area could result in some instances where future development would exceed the relevant SCAQMD thresholds.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** While individual site-specific projects may not exceed the SCAQMD regional significance thresholds, the scale and extent of construction activities associated with buildout of the Planning Area may result in some instances where future development would exceed the relevant SCAQMD thresholds. Therefore, construction-related regional air quality impacts would be potentially significant. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**AQ-1:** Applications for future development, wherein the Director of Community Development or his or her designee has determined a potential for air quality impacts associated with construction, shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts to the City for review and approval. The Director of Community Development or his or her designee shall make this determination based on the size of the project, whether the project would require a transportation impact analysis, or other criteria. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology for assessing air quality regional and local impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the SCAQMD's adopted regional and localized construction CEQA thresholds of

significance, the City shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City. Mitigation measures to reduce construction-related emissions could include, but are not limited to:

- Require fugitive-dust control measures that exceed SCAQMD's Rule 403 requirements, such as:
  - Use of nontoxic soil stabilizers to reduce wind erosion.
  - Apply water every four hours to active soil-disturbing activities.
  - Tarp and/or maintain a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials.
- Encourage the use of construction equipment equal to or greater than 50 horsepower be electrically powered or alternatively fueled. At a minimum, use construction equipment rated by the United States Environmental Protection Agency as having Tier 4 Final (model year 2008 or newer) emission limits. Include this requirement in applicable bid documents, purchase orders, and contracts.
- Ensure that construction equipment is properly serviced and maintained to the manufacturer's standards.
- Limit nonessential idling of construction equipment to no more than five consecutive minutes.
- Limit on-site vehicle travel speeds on unpaved roads to 15 miles per hour.
- Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area.
- Use Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural coating manufactures can be found on the SCAQMD's website.

Buildout of the project would occur over a period of approximately 20 years or longer. Construction activities associated with buildout of the project could generate short-term emissions that exceed the SCAQMD's significance thresholds during this time and cumulatively contribute to the nonattainment designations of the Basin. Implementation of mitigation measure AQ-1 would reduce criteria air pollutant emissions from construction-related activities to the extent feasible. However, construction time frames and equipment for site-specific development projects are not available at this time, and there is a potential for multiple development projects to be constructed at one time, resulting in significant construction-related emissions. Therefore, despite adherence to mitigation measure AQ-1, impacts associated with criteria pollutants would remain significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations, below. Reference: Final EIR Section 4.3.

### **Biological Resources**

**Environmental Impact: As detailed in Final EIR Section 4.4.5.1 (Sensitive Species), the project would have the potential to, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species, which would be considered a significant impact.**

**Environmental Impact:** As detailed in Final EIR Section 4.4.5.2 (Sensitive Riparian Habitat), the project would have the potential to have a substantial adverse effect on riparian habitat, which would be considered a significant impact.



**Environmental Impact:** As detailed in Final EIR Section 4.4.5.3 (Jurisdictional Wetlands and Waters), the project would have the potential to have a substantial adverse effect on state or federally protected wetlands, which would be considered a significant impact.

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Build out of the GPU would have the potential to directly or indirectly impact candidate, sensitive, or special status species, riparian habitat and/or jurisdictional wetlands. Consistent with the policies of the GPU (including those in the Open Space and Resource Conservation Element) and City regulations and planning documents (including the MSHCP), future development would be required to ensure appropriate biological surveys and wetland delineations, as needed, are completed to document on-site sensitive habitats and species. While these regulations are likely to ensure adverse impacts to sensitive species and riparian habitat are reduced at the project level, at a program level of analysis it is not possible to ensure that every impact could be fully mitigated. Therefore, impacts to sensitive species, riparian habitat, and jurisdictional wetlands would be potentially significant. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**BIO-1:** Applications for future development of vacant properties (and portions thereof), wherein the Director of Community Development or his or her designee has determined a potential for impacts to sensitive biological resources, shall be required to prepare a site-specific general biological resources survey to identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. The report shall identify the need for focused presence/absence surveys and identify the presence of state or federal regulated wetlands or waters. If potentially significant impacts to sensitive biological resources, including sensitive species and/or wetlands are identified, the report shall also recommend appropriate mitigation to reduce the impacts to below a level of significance.

**BIO-2:** Applications for future development, wherein the Director of Community Development or his or her designee has determined a potential for impacts to mature trees and/or native vegetation suitable for nesting birds, shall be required to restrict removal of sensitive habitat and vegetation to outside the breeding seasons of any sensitive species identified within adjacent properties (typical bird breeding season is February 1–September 1. as early as January 1 for some raptors). If vegetation clearing must begin during the breeding season, a qualified biologist shall provide recommendations to avoid impacts to nesting birds which typically includes a pre-construction survey within 3 days of the start of construction to determine the presence of active nests.

If active nests are found, avoidance measures shall be implemented to ensure protection of the nesting birds. Avoidance measures may include a no-activity buffer zone, typically 300 feet from the area of disturbance or 500 feet for raptors, established at the discretion of the qualified biologist in consultation with the City. If activity buffer zones are not feasible, temporary noise barriers may be installed to attenuate construction noise. Noise wall height and adequacy shall be supported by a noise analysis to determine the anticipated construction noise levels with attenuation measures as recommended by the biologist and approved by the City. Periodic noise monitoring shall be conducted during construction to ensure noise

attenuation standards are met. Accepted noise levels are species dependent and existing ambient noise levels can play a factor in establishing baseline acceptable noise.

While implementation of mitigation measures BIO-1 and BIO-2 would reduce impacts to sensitive and special status species, riparian habitat, and jurisdictional wetlands to less than significant levels; it is not possible at this level of review, without site specific development plans, to ensure that every future project could fully mitigate potentially significant impacts. Therefore, notwithstanding future regulatory compliance and the implementation of mitigation measures impacts to candidate, sensitive, or special status species, riparian habitat, and jurisdictional wetlands would remain significant and unavoidable. These unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below. Reference: Final EIR Section 4.4.

### **Cultural and Tribal Cultural Resources**

**Environmental Impact: As detailed in Final EIR Section 4.5.5.1 (Historic Resources), the project would have the potential to cause a substantial adverse change in the significance of historic era resources, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Any alteration, relocation, demolition, or excessive groundborne vibration associated with future development that would affect historic buildings, structures, objects, landscapes, and sites would represent a significant impact to historical resources. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development

**CUL-1:** Prior to the issuance of any permit for a future development site-specific project that would directly or indirectly affect a building/structure in excess of 50 years of age, the City or a qualified architectural historian shall determine whether the affected building/structure is historically significant. The evaluation shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in the CEQA guidelines. If the evaluation determines that building/structure is not historic, no further evaluation or mitigation would be required. If the building/structure is determined to be historically significant, the preferred mitigation would be to avoid the resource through project redesign. If the resource cannot be avoided, all prudent and feasible measures to minimize or mitigate harm to the resource shall be taken per recommendations of the qualified architectural historian.

Implementation of mitigation measure CUL-1 would reduce impacts on historic resources to a level less than significant. However, as no specific development projects have been identified at this time, it is not possible to ensure that every future project could fully mitigate potentially significant impacts. Therefore, notwithstanding the implementation of this mitigation measure, impacts to historic resources would be significant and unavoidable at this program level of review. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below.

Reference: Final EIR Section 4.5.

**Environmental Impact: As detailed in Final EIR Section 4.5.5.2 (Archaeological Resources), the project would have the potential to cause a substantial adverse change in the significance of an archaeological resource, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Any vegetation clearing/grubbing, grading, trenching, or excavation associated with future development that could expose buried prehistoric or historic-era archaeological resources would represent a significant impact to historical resources. Therefore, future projects would have the potential to result in a substantial adverse effect on historical resources, and impacts would be significant. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**CUL-2:** Prior to issuance of any permit for a future site-specific project that would potentially have a direct or indirect affect an archaeological resource, the City shall require the following steps be taken to determine: (1) the presence of archaeological resources, and (2) the appropriate mitigation for any significant resources which may be impacted by project development. The following steps would help determine the presence or absence of archaeological resources.

- Step 1: An archaeologist shall conduct records and background research at the Eastern Information Center for a list of recorded resources and request a sacred lands file search from the Native American Heritage Commission.
- Step 2: After review of this data, a pedestrian survey shall be conducted by a qualified archaeologist.
- Step 3: If through the research and the field survey, archaeological resources are identified, then an evaluation of significance shall be completed by a qualified archaeologist. The evaluation program generally will include excavation to determine depth, extent, integrity, and content of the subsurface cultural material.
- Step 4: The results of the excavation will be evaluated using the Thresholds in Section 4.5.4 of the Final EIR.
- Step 5: If an archaeological resource is determined significant and avoidance through project redesign is not feasible, a data recovery and construction monitoring program must be implemented to reduce the impacts the archaeological resource to below a significant level. The data recovery program must be approved by the City.
- Step 6: A final data recovery and/monitoring report shall be completed in accordance with the California Office of Historic Preservation's *Archaeological Resource Management Reports: Recommended Content and Format*. Confidential attachments must be submitted under separate

covers. Artifacts collected during the evaluation and data recovery phases must be curated at an appropriate facility consistent with state (California State Historic Resources Commission's Guidelines for Curation of Archaeological Collection 1993) and federal curation standards (36 CFR 79 of the Federal Register) and that allows access to artifact collections.

Implementation of mitigation measure CUL-2 would reduce impacts on archaeological resources to a level less than significant. However, as no specific projects have been identified at this time, it is not possible to ensure that every future project could fully mitigate potentially significant impacts. Therefore, notwithstanding the implementation of this mitigation measure, impacts to archaeological resources would be significant and unavoidable at this program level of review. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below.

Reference: Final EIR Section 4.5.

**Environmental Impact: As detailed in Final EIR Section 4.5.5.3 (Human Remains), the project would have the potential to disturb human remains, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Any vegetation clearing/grubbing, grading, trenching, or excavation associated with future development that would expose or disturb unknown human remains would represent a significant impact to human remains. Therefore, future projects would have the potential to result in a substantial adverse effect on historical resources, and impacts would be significant. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development:

**CUL-3:** If human remains are unintentionally disturbed during archaeological excavations or construction activities, implementation of the procedures set forth in PRC Section 5097.98 and California State Health and Safety Code 7050.5 would be implemented in consultation with the MLD as identified by the NAHC. California State Health and Safety Code Section 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined by the County Coroner to be Native American, the NAHC shall be notified within 24 hours. The NAHC shall identify the MLD with whom consultation shall occur to determine in the treatment and disposition of the remains.

Implementation of mitigation measure CUL-3 would reduce impacts on human remains to a level less than significant. However, as no specific projects have been identified at this time, it is not possible to ensure that every future project could fully mitigate potentially significant impacts. Therefore, notwithstanding the implementation of this mitigation measure, impacts to human remains would be significant and unavoidable at this program level of review. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below Reference: Final EIR Section 4.5.

**Environmental Impact: As detailed in Final EIR Section 4.5.5.4 (Tribal Cultural Resources), the project would have the potential to cause a substantial adverse change in the significance of a tribal cultural resource, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Any vegetation clearing/grubbing, grading, trenching, or excavation associated with future development that would affect tribal cultural resources represent a significant impact to tribal cultural resources. Therefore, future projects would have the potential to result in a substantial adverse effect on tribal cultural resources, and impacts would be significant. To reduce potential impacts implementation of CUL-2 and CUL-3 described above, along with AB 52 consultation early during the development review process, would reduce impacts on tribal cultural resources to a level less than significant. However, as no specific projects have been identified at this time, it is not possible to ensure that every future project could fully mitigate potentially significant impacts. Therefore, impacts to tribal cultural resources would be significant and unavoidable at this program level of review. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below.

Reference: Final EIR Section 4.5.

### **Noise**

**Environmental Impact: As detailed in Final EIR Section 4.13.5.1.d (Increase in Ambient Noise: Traffic), the project would have the potential to generate a substantial temporary or permanent increase in ambient noise levels associated with future traffic, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** The increase in ambient noise levels adjacent to roadway segments listed in Section 4.13.5.1 of the Final EIR would expose existing noise-sensitive receptors to a significant increase in ambient noise levels, and impacts would be significant.

For existing noise sensitive land uses, possible noise-reduction measures would include retrofitting older structures with acoustically rated windows and doors featuring higher Sound Transmission Class ratings, which is a measure of exterior noise reduction performance. However, there is no mechanism in place for implementing such a retrofit program. Because the significant noise impacts would be to existing homes and other noise-sensitive uses in an already urbanized area, there is no feasible mitigation.

Therefore, because retrofitting older, existing structures is not enforceable without future discretionary actions outside the purview of the GPU, no feasible mitigation measures have been identified or proposed that would mitigate impacts related to increases in ambient noise due to increased traffic. the conversion of farmland to below a level of significance. Thus, the impact is significant and unavoidable. This unavoidable impact is overridden by project benefits as set forth in the Statement of Overriding Considerations, below

Reference: Final EIR Section 4.13.

**Environmental Impact: As detailed in Final EIR Section 4.13.5.1.d (Increase in Ambient Noise: Construction), the project would have the potential to generate a substantial temporary or permanent increase in ambient noise levels associated with future construction, which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Construction activities associated with any individual development may occur near noise-sensitive receptors and noise disturbances may occur. Therefore, construction noise impacts would be considered potentially significant. To reduce potential impacts the following mitigation measure is included in the project's MMRP and shall be applied to future development: :

**NOS-1:** The Director of Community Development or his or her designee shall require applicants to demonstrate whether the project has the potential to exceed noise standards contained in Sections 8.14.040(E) and 11.80.030(D)(7) of the Municipal Code. If a project may exceed standards or is located adjacent to sensitive receptors, the City may require the applicant to prepare a Noise Analysis that estimates construction noise and identifies noise reduction measures that would ensure compliance with Municipal Code standards. Construction plans submitted to the City shall identify applicable measures on demolition, grading, and construction plans submitted to the City. Noise reduction measures can include, but are not limited to, the following:

1. Demolition, construction, site preparation, and related activities that would generate noise perceptible at the property line of the subject property are limited to the hours between 7:00 a.m. to 7:00 p.m. from Monday through Friday excluding holidays and from 8:00 a.m. to 4:00 p.m. on Saturdays. The building inspector may issue an exception to this limitation on hours in cases of urgent necessity where the public health and safety will not be substantially impaired.
2. Idling times for noise-generating equipment used in demolition, construction, site preparation, and related activities shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.
3. Demolition, construction, site preparation, and related activities within 70 feet from the edge of properties with existing, occupied noise-sensitive uses shall incorporate all feasible strategies to reduce noise exposure for noise-sensitive uses, including:
  - a. Provide written notice to all known occupied noise-sensitive uses within 400 feet of the edge of the project site boundary at least 2 weeks prior to the start of each construction phase of the construction schedule;

- b. Ensure that construction equipment is properly maintained and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications;
  - c. Re-route construction equipment away from adjacent noise-sensitive uses;
  - d. Locate noisy construction equipment away from surrounding noise-sensitive uses;
  - e. Use sound aprons or temporary noise enclosures around noise-generating equipment;
  - f. Position storage of waste materials, earth, and other supplies in a manner that will function as a noise barrier for surrounding noise-sensitive uses;
  - g. Use the quietest practical type of equipment;
  - h. Use electric powered equipment instead of diesel or gasoline engine powered equipment; Use shrouding or shielding and intake and exhaust silencers/mufflers; and
  - i. Other effective and feasible strategies to reduce construction noise exposure for surrounding noise-sensitive uses.
4. For construction of buildings that require the installation of piles, an alternative to installation of piles by hammering shall be used. This could include the use of augured holes for cast-in-place piles, installation through vibration or hydraulic insertion, or another low-noise technique.

Implementation of mitigation measure NOS-1 would reduce construction noise exposure. However, for construction sites that are adjacent to existing noise-sensitive uses, there still could be a substantial temporary increase in noise levels that could lead to significant noise-related impacts. Therefore, notwithstanding the implementation of this mitigation measure, impacts to ambient noise from construction activities would be significant and unavoidable at this program level of review. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below Reference: Final EIR Section 4.13.

### **Transportation**

**Environmental Impact: As detailed in Final EIR Section 4.16.5.2 (Vehicle Miles Traveled), projected VMT generated under buildout of the project would be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), which would be considered a significant impact.**

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Final EIR.

**Facts in Support of Finding:** Compared to the existing 2006 General Plan, implementation of the project would result in lower VMT using several metrics, demonstrating a land use plan that would increase per capita VMT efficiency. However, some metrics showed an increase in VMT based on several metrics (shown in bold in Table 4.16-5). As a result of some metrics that exceeded the significance criteria based on certain analysis methodologist, impacts would be significant.

The project includes Transportation Demand Management (TDM) goals, policies, and actions that would support VMT reductions; however, anticipated VMT reductions associated with proposed TDM measures would not be large enough to guarantee that significant impacts could be fully mitigated. No additional feasible mitigation was identified that could further reduce VMT impacts. Therefore, notwithstanding the project's inclusion of TDM measures, impacts would remain significant and unmitigated. This unavoidable impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations, below

Reference: Final EIR Section 4.16.

## VIII. FINDINGS REGARDING ALTERNATIVES

The California Environmental Quality Act (CEQA) Guidelines Section 15126.6 requires that an EIR compare the effects of a "reasonable range of alternatives" to the effects of a project. The CEQA Guidelines further specify that the alternatives selected should attain most of the basic project objectives and avoid or substantially lessen one or more significant effects of the project. The "range of alternatives" is governed by the "rule of reason," which requires the EIR to set forth only those alternatives necessary to permit an informed and reasoned choice by the lead agency, and to foster meaningful public participation (CEQA Guidelines Section 15126.6[f]). CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, while also taking into account economic, environmental, social, technological, and legal factors.

The following specific objectives have been established for the project:

- Provide a flexible land use framework that can accommodate job growth in a variety of industries over time while enhancing quality of life in the community;
- Build a strong, diverse economy with well-paying jobs in the city for local residents, reducing the need for long commutes and achieving a better balance of jobs-to-housing;
- Ensure a sustainable, measured rate of growth and efficient delivery of public services;
- Create a destination Downtown Center that makes Moreno Valley a destination city with a modern, innovative brand and that will help establish Moreno Valley as a model community where people choose to live, work, and play;
- Focus new residential and commercial development in corridors to support more frequent and reliable transit service; promote walking and biking; and reduce vehicle miles travelled;
- Foster development of gateways at key entry points into the community that announce arrival with attractive architecture and inviting uses to build Moreno Valley's sense of place;



- Facilitate development of a range of housing options that provides for the needs of current and future residents, including people of all ages, abilities, and incomes levels;
- Accommodate the City's 2021-2029 Regional Housing Needs Allocation (RHNA) allocation;
- Reduce community-wide greenhouse gas emissions consistent with statewide targets;
- Foster vibrant gathering places for locals and visitors to shop, dine, do business, and have fun, providing a range of social interaction opportunities for youth, families, and seniors;
- Enhance neighborhood livability through promoting active lifestyles with indoor and outdoor recreational amenities and prioritizing clean air, water, fresh food, and community health; and
- Encourage mindful stewardship of water, energy, and other environmental resources, and explore technological advancements as a way to enhance current/future needs and lifestyles.

The alternatives addressed in this Final EIR were selected in consideration of one or more of the following factors:

- The extent to which the alternative would feasibly accomplish most or all of the basic objectives of the project;
- The extent to which the alternative would avoid or substantially lessen any of the identified significant environmental effects of the project.
- The appropriateness of the alternative in contributing to a "reasonable range" of alternatives necessary to permit a reasoned choice; and
- The requirement of the CEQA Guidelines to consider a "no project" alternative; and to identify an "environmentally superior" alternative in addition to the no project alternative (Section 15126.6[e]).

Based on the criteria described above, this EIR considers the following project alternatives:

- No Project Alternative;
- Reduced Growth Alternative; and
- Redistributed Growth Alternative.

Based upon the administrative record for the project, the City makes the following findings concerning the alternatives to the project.

### **No Project (Adopted Plan) Alternative**

**Description:** Under the No Project Alternative, the proposed amendments to the adopted General Plan, Housing Element Update, and adoption of the CAP would not occur. Growth in the city would continue to be guided by the existing land use plans and programs. Specifically, a summary of existing land uses is provided in Table 4.11-1 of the Final EIR, with existing land uses shown on Figure 4.11-1 of the Final EIR. Under the No Project Alternative, development would

continue to occur through site-specific rezoning and General Plan amendment actions, rather than through a comprehensively planned approach. The planned densities needed to accommodate the region's housing and provide the required levels of affordability would not occur. Planning for mobility infrastructure would continue as it currently exists, without a comprehensive strategy intended to reduce reliance on vehicular travel and promote other forms of mobility.

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make the No Project Alternative infeasible.

**Facts in Support of Finding:** Final EIR Section 6.3.2 provides a detailed discussion comparing the No Project Alternative to the project. Table 6-1 of the Final EIR provides a summary of impacts of the No Project Alternative compared to the project. As shown in Table 6-1, the No Project Alternative would result in the same significant and unavoidable impacts associated with agricultural resources, air quality, biological resources, cultural and tribal cultural resources, noise, and transportation. However, due to the reduced intensity of employment opportunities and residential density that would occur under the existing land use plan, impacts related to agricultural resources, biological resources, and cultural and tribal cultural resources would be incrementally less compared to the project. Impacts related to air quality, noise, and transportation would be greater under the No Project Alternative because buildout of the existing 2006 General Plan would generate a greater amount of VMT. The No Project Alternative would also result in significant and unavoidable impacts related to GHG emissions and land use and planning that would be avoided with the project. Furthermore, the No Project Alternative would not meet any of the project objectives.

Therefore, because the No Project Alternative would result in greater impacts and would not meet the project objectives, it has been found to be infeasible.

### Reduced Growth Alternative

**Description:** The Reduced Growth Alternative would revise the proposed land use map to reduce the amount of employment growth compared to the project (Figure 6-1 of the Final EIR). This alternative would reduce the maximum permitted floor area ratio (FAR) proposed within the Community Corridors along Sunnymead Boulevard, Alessandro Boulevard, Perris Boulevard, and Heacock Street. This would reduce the amount of non-residential development within these Community Corridors by approximately 10 to 15 percent compared to the project. This alternative would also remove the proposed Center Mixed Use within the District Specific Plan area, and reduce the footprint of the Downtown Center Concept Area by approximately 111 acres. Additionally, a portion of proposed Highway Office/Commercial Concept Area located north of SR-60 would not receive this new designation, and instead the existing office and residential land use designations from the existing 2006 General Plan would be retained.

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make the Reduced Growth Alternative infeasible.

**Facts in Support of Finding:** Final EIR Section 6.4.2 provides a detailed discussion comparing the Reduced Growth Alternative to the project. Table 6-1 of the Final EIR provides a summary of impacts of the Reduced Growth Alternative compared to the project. As shown in Table 6-1, the Reduced Growth Alternative would result in the same significant and unavoidable impacts

associated with agricultural resources, air quality, biological resources, cultural and tribal cultural resources, noise, and transportation. Reduced growth and VMT would incrementally reduce air quality emissions compared to the project. Reduction of the footprints of the Downtown Center and Highway Office/Commercial would incrementally reduce impacts related to agricultural resources, biological resources, and cultural and tribal cultural resources compared to the project. Impacts related to noise and transportation would be less compared to the project due to the reduction in VMT.

The Reduced Growth Alternative would not meet as many primary project objectives compared to the project. The elimination of employment opportunities would not accommodate job growth, build a diverse economy, improved rate of economic growth, or focus commercial uses in corridors to the same degree as the project.

### **Redistributed Growth Alternative**

**Description:** The Redistributed Growth Alternative would result in the same level of growth as the proposed plan, but would redistribute growth from the proposed Community Corridor Concept Areas to the Downtown Center Concept Area (Figure 6-2 of the Final EIR). This alternative would reduce the maximum permitted density and intensity in the Community Corridor Concept Areas, thereby reducing future development proposed along Sunnymead Boulevard, Alessandro Boulevard, Perris Boulevard, and Heacock Street by approximately 10 to 15 percent compared to the project. The reduced growth capacity from these areas would be redistributed to the Downtown Center Concept Area. This alternative would also remove a portion of the proposed Highway Office/Commercial Concept Area located north of SR-60 and the existing office and residential land use designations from the existing 2006 General Plan would be retained. Redistribution of land uses associated with this alternative would not alter the total amount of residential, commercial, and office land uses compared to the project.

**Finding:** Pursuant to Section 21081(a)(3), Section 15091(a)(3) of the CEQA Guidelines, the City finds that specific economic, legal, social, technological, or other considerations make the Redistributed Growth Alternative infeasible.

**Facts in Support of Finding:** Final EIR Section 6.4.2 provides a detailed discussion comparing the Redistributed Growth Alternative to the project. Table 6-1 of the Final EIR provides a summary of impacts of the Redistributed Growth Alternative compared to the project. As shown in Table 6-1, the Redistributed Growth Alternative would result in the same significant and unavoidable impacts associated with air quality, agricultural resources, biological resources, cultural and tribal cultural resources, noise, and transportation. Reduction of the Highway Office/Commercial footprint would incrementally reduce impacts related to agricultural resources and biological resources compared to the project. Impacts related to cultural and tribal cultural resources would be the same because changes to the land use plan associated with the Redistributed Growth Alternative would not avoid any overlap with known historic resources or archaeologically sensitive areas. Impacts related to air quality, noise, and transportation would be less compared to the project due to the reduction in VMT.

Although the Redistributed Growth Alternative would result in fewer impacts compared to the project and meet most of the primary project objectives developed for the project, it would not meet the objectives of creating high development corridors to the same degree as the project. Additionally, land within the Downtown Center is not housing ready, and under the alternative the City would not be able to accommodate as many housing units needed to achieve RHNA targets within the eight-year Housing Element planning horizon. The ability to meet the City's RHNA targets is imperative to the future of the City's sustainable housing market and to comply with

state requirements, the failure of which could bring monetary and punitive actions. Therefore, this alternative is found to be infeasible.

## **IX. ENVIRONMENTAL ISSUES DETERMINED NOT TO BE SIGNIFICANT**

The City determined in the NOP that a program-level EIR would be required for the project, pursuant to Section 15060(d) of the CEQA Guidelines (14 CCR 15000 et seq.) and did not prepare an Initial Study. Therefore, the EIR evaluated potential impacts to all environmental categories.

## **X. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

California Environmental Quality Act (CEQA) Guidelines Section 15126.2(c) require that the significant irreversible environmental changes that would result from project implementation, be addressed in the EIR. In accordance with CEQA Guidelines Section 15126.2(c):

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvements which provide access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.

Non-renewable resources generally include agricultural land; biological, archaeological, and paleontological resources; mineral deposits; water bodies; and some energy sources. The project has been designed to minimize impacts to sensitive biological resources by primarily focusing future development and redevelopment within the proposed Concept Areas. These areas consist of clusters of vacant and underutilized land within the city limit that would avoid the majority of sensitive habitat that is located within the eastern and southeastern portion of the Planning Area. Focusing development and redevelopment within these areas that consist primarily of developed and/or disturbed land would minimize adverse impacts to sensitive species. Similarly, the Concept Areas avoid the majority of the identified historic and potentially eligible historic resources, as well as the majority of the archaeological sensitive complexes. Nonetheless, impacts to biological and cultural resources were found to remain significant and unavoidable, because it cannot be known at the program level of analysis with certainty that impacts to sensitive species could be fully avoided or be fully mitigated. (see Sections 4.4 and 4.5 of the Final EIR). Additionally, implementation of the project would result in the permanent loss of 15 acres of land designated Prime Farmland, as well as the additional loss of farmland due to indirect conversion of agricultural land through urbanization (see Section 4.2). Therefore, future development consistent with the project could result in the permanent loss of biological, cultural, and agricultural resources.

There exists some potential for paleontological resources to be present within the Planning Area, primarily within portions of the sphere of influence that have been identified as having a high potential for paleontological resources. However, implementation of mitigation measure PAL-1 would reduce impacts associated with future grading and development to a level less than significant (see Section 4.7 of the Final EIR). As described in Section 4.10, implementation of the project would result in less than significant impacts to water bodies (drainage and water quality). The Planning Area does not support any mineral extraction activities, and the small amount of land designated as MRZ-2 in the southeastern portion of the sphere of influence is not located within any

of the proposed Concept Areas. Therefore, impacts related to mineral resources would be less than significant.

With regard to energy resources, actions related to future development would result in an irretrievable commitment of nonrenewable resources, including as energy supplies and construction materials, such as lumber, steel, and aggregate. Non-renewable energy resources (coal, natural gas, oil) would be used in construction, heating, and refrigeration of food and water, transportation, lighting, and other associated energy needs. (Energy impacts are further discussed in Section 4.6 of this EIR).

In summary, implementation of the project would result in an increase in residential, business park, industrial, office, commercial, and civic and institutional uses throughout the Planning Area, particularly within the Concept Areas (see Figure 3-1). Construction and operation associated with implementation of future projects would result in the irretrievable commitment of limited, slowly renewable, and nonrenewable resources, which would limit the availability of these particular resource quantities for future generations or for other uses. However, the use of such resources would be consistent with local and regional growth forecasts for the area (see Section 4.14 of the Final EIR). Therefore, although irreversible environmental changes would result from future development, such changes would not be considered significant.

## **XI. STATEMENT OF OVERRIDING CONSIDERATIONS**

This Statement of Overriding Considerations reflects the significant and unavoidable impacts of the project. As detailed in Section VI.C above, the project would have impacts related to agriculture and forestry resources, air quality, biological resources, cultural resources, noise, and transportation that would remain significant, even after the adoption of all feasible mitigation measures.

The City has adopted all feasible mitigation measures with respect to these impacts. Although changes to the project may substantially lessen these significant impacts, these changes would not sufficiently meet the project objectives. Additionally, the City has examined a reasonable range of alternatives to the project. Based on this examination, the City has determined that none of the alternatives would avoid or substantially lessen significant environmental effects while achieving most of the objectives of the project. As a result, to approve the project, the City must adopt this Statement of Overriding Considerations pursuant to CEQA Guidelines Sections 15043 and 15093. These provisions allow a lead agency to cite a project's general economic, social, or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been fully mitigated.

CEQA does not require lead agencies to analyze "beneficial impacts" in an EIR. Rather, EIRs are to focus on potential "significant effects on the environment," defined to be "adverse" (Public Resources Code Section 21068). The Legislature amended the definition to focus on "adverse" impacts after the California Supreme Court had held that beneficial impacts must also be addressed (see *Wildlife Alive v. Chickering* [1976] 18 Cal. 3d 190, 206 [132 Cal. Rptr. 377]). Nevertheless, decision-makers benefit from information about project benefits. These benefits can be cited, if necessary, in a statement of overriding considerations (CEQA Guidelines Section 15093).

The City finds that the project would have the following substantial legal, social, environmental, and economic benefits. Any one of the reasons for approval cited below is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported

by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found either below or in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as defined in Section I.C.

A. Economic Benefits:

- The project would allow for increased densities along key transit corridors and mobility and streetscape improvements that are intended to spur revitalization through public and private investments.
- The project would accommodate additional residential housing. Higher density housing types provide economic benefits, such as lower per unit construction costs and potential reductions in municipal infrastructure costs. Higher densities also reduce occupant housing costs.
- Adoption of the project would streamline development within designated areas, resulting in construction jobs and associated economic benefits.
- Development of underutilized land and creation of mixed-use neighborhoods would result in an increase in property tax revenues.

B. Environmental Benefits:

- The project includes policies to increase reliable transit service, promote walking and biking and reduce vehicle miles travelled in the City, which can in turn reduce greenhouse gas and air emissions associated with vehicles.

C. Social Benefits:

- The project would provide for increased multi-modal opportunities for City residents which support healthy communities and active lifestyles.
- The project would enhance the public realm and quality of life for residents through planning for streetscape enhancements, increased tree canopy, and usable outdoor green spaces within urban areas.
- Road diets would have the effect of slowing traffic along key corridors to improve safety for pedestrians/bicyclists and allow for pedestrian scale transportation corridors.
- Adoption of the project would provide increased housing options.

## XII. CONCLUSIONS

The City finds that there is substantial evidence in the administrative record of benefits, as described above in Section XI, which would directly result from approval and implementation of the project. The City finds that the need for these benefits specifically overrides the impacts of the project related to agriculture and forestry resources, air quality, biological resources, cultural resources, noise, and transportation. Therefore, the adverse effects of the project are considered acceptable.

The City has independently reviewed and analyzed the Final EIR as required by CEQA. Prior to that review and analysis, the City circulated the Draft EIR and appendices and those documents also reflect the City's independent review, analysis, and judgment pursuant to CEQA.

As part of the certification of the Final EIR, the City finds that the EIR reflects the independent judgment of the City, acting in its capacity as the lead agency. As required by CEQA (Public Resources Code Section 21081.6), the City in adopting these Findings also adopts the MMRP. The City hereby finds that the MMRP meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of the mitigation measures set forth herein, which mitigate the identified significant impacts associated with the project and are fully enforceable through permit conditions, agreements, these Findings, and other measures.



## Chapter 7

# Mitigation Monitoring and Reporting Program

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted upon certification of an Environmental Impact Report (EIR; including associated Findings), to ensure that the associated mitigation measures are implemented. Table 7-1 identifies the mitigation measures and specifies the entity (or entities) responsible for monitoring and reporting. Pursuant to Public Resources Code Section 21081.6, an MMRP is only required for impacts identified as significant or potentially significant in the EIR analysis. The environmental analysis resulted in the identification of a programmatic mitigation framework, which would reduce potentially significant impacts, but not to below a level of significance for all the environmental topics. Programmatic mitigation measures have been identified for air quality, biological resources, cultural and tribal cultural resources, Geology/Soils, and noise.



**Table 7-1  
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
<b>4.3 Air Quality</b>			
<p><b>AQ-1:</b> Applications for future development, wherein the Director of Community Development or his or her designee has determined a potential for air quality impacts associated with construction, shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts to the City for review and approval. The Director of Community Development or his or her designee shall make this determination based on the size of the project, whether the project would require a transportation impact analysis, or other criteria. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (SCAQMD) methodology for assessing air quality regional and local impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the SCAQMD's adopted regional and localized construction CEQA thresholds of significance, the City shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during construction activities. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City. Mitigation measures to reduce construction-related emissions could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Require fugitive-dust control measures that exceed SCAQMD's Rule 403 requirements, such as: <ul style="list-style-type: none"> <li>○ Use of nontoxic soil stabilizers to reduce wind erosion.</li> <li>○ Apply water every four hours to active soil-disturbing activities.</li> <li>○ Tarp and/or maintain a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials.</li> </ul> </li> <li>• Encourage the use of construction equipment equal to or greater than 50 horsepower be electrically powered or alternatively fueled. At a minimum, use construction equipment rated by the United States Environmental Protection Agency as having Tier 4 Final (model year 2008 or newer) emission limits. Include this requirement in applicable bid documents, purchase orders, and contracts.</li> <li>• Ensure that construction equipment is properly serviced and maintained to the manufacturer's standards.</li> <li>• Limit nonessential idling of construction equipment to no more than five consecutive minutes.</li> <li>• Limit on-site vehicle travel speeds on unpaved roads to 15 miles per hour.</li> <li>• Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the project area.</li> <li>• Use Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural coating manufactures can be found on the SCAQMD's website.</li> </ul>	Technical analysis required prior to project approval.	City	
<b>4.4 Biological Resources</b>			
<p><b>BIO-1:</b> Applications for future development of vacant properties (and portions thereof), wherein the Director of Community Development or his or her designee has determined a potential for impacts to sensitive biological resources, shall be required to prepare a site-specific general biological resources survey to identify the presence of any sensitive biological resources, including any sensitive plant or wildlife species. The report shall identify the need for focused presence/absence surveys and identify the presence of state or federal regulated wetlands or waters. If potentially significant impacts to sensitive biological resources, including sensitive species and/or wetlands are identified, the report shall also recommend appropriate mitigation to reduce the impacts to below a level of significance.</p>	Technical analysis required prior to project approval.	City/Qualified Biologist	
<p><b>BIO-2:</b> Applications for future development, wherein the Director of Community Development or his or her designee has determined a potential for impacts to mature trees and/or native vegetation suitable for nesting birds, shall be required to restrict removal of sensitive habitat and vegetation to outside the breeding seasons of any sensitive species identified within adjacent properties (typical bird breeding season is February 1–September 1. as early as January 1 for some raptors). If vegetation clearing must begin during the breeding season, a qualified biologist shall provide recommendations to avoid impacts to nesting birds which typically includes a pre-construction survey within 3 days of the start of construction to determine the presence of active nests.</p> <p>If active nests are found, avoidance measures shall be implemented to ensure protection of the nesting birds. Avoidance measures may include a no-activity buffer zone, typically 300 feet from the area of disturbance or 500 feet for raptors, established at the discretion of the qualified biologist in consultation with the City. If activity buffer zones are not feasible, temporary noise barriers may be installed to attenuate construction noise. Noise wall height and adequacy shall be supported by a noise analysis to determine the anticipated construction noise levels with attenuation measures as recommended by the biologist and approved by the City. Periodic noise monitoring shall be conducted during construction to ensure noise attenuation standards are met. Accepted noise levels are species dependent and existing ambient noise levels can play a factor in establishing baseline acceptable noise.</p>	Technical analysis required prior to project approval.	City/Qualified Biologist	
<b>4.5 Cultural and Tribal Cultural Resources</b>			
<p><b>CUL-1:</b> Prior to the issuance of any permit for a future development site-specific project that would directly or indirectly affect a building/structure in excess of 50 years of age, the City or a qualified architectural historian shall determine whether the affected building/structure is historically significant. The evaluation shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in the CEQA guidelines. If the evaluation determines that building/structure is not historic, no further evaluation or mitigation would be required. If the building/structure is determined to be historically significant, the preferred mitigation would be to avoid the resource through project redesign. If the</p>	Technical analysis required prior to project approval.	City/Qualified Architectural Historian	

<b>Table 7-1 Mitigation Monitoring and Reporting Program</b>			
Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
resource cannot be avoided, all prudent and feasible measures to minimize or mitigate harm to the resource shall be taken per recommendations of the qualified architectural historian.			
<p><b>CUL-2:</b> Prior to issuance of any permit for a future site-specific project that would potentially have a direct or indirect affect an archaeological resource, the City shall require the following steps be taken to determine: (1) the presence of archaeological resources, and (2) the appropriate mitigation for any significant resources which may be impacted by project development. The following steps would help determine the presence or absence of archaeological resources.</p> <p>Step 1: An archaeologist shall conduct records and background research at the Eastern Information Center for a list of recorded resources and request a sacred lands file search from the Native American Heritage Commission.</p> <p>Step 2: After review of this data, a pedestrian survey shall be conducted by a qualified archaeologist.</p> <p>Step 3: If through the research and the field survey, archaeological resources are identified, then an evaluation of significance shall be completed by a qualified archaeologist. The evaluation program generally will include excavation to determine depth, extent, integrity, and content of the subsurface cultural material.</p> <p>Step 4: The results of the excavation will be evaluated using the Thresholds above in Section 4.5.4.</p> <p>Step 5: If an archaeological resource is determined significant and avoidance through project redesign is not feasible, a data recovery and construction monitoring program must be implemented to reduce the impacts the archaeological resource to below a significant level. The data recovery program must be approved by the City.</p> <p>Step 6: A final data recovery and/monitoring report shall be completed in accordance with the California Office of Historic Preservation’s Archaeological Resource Management Reports: Recommended Content and Format. Confidential attachments must be submitted under separate covers. Artifacts collected during the evaluation and data recovery phases must be curated at an appropriate facility consistent with state (California State Historic Resources Commission’s Guidelines for Curation of Archaeological Collection 1993) and federal curation standards (36 CFR 79 of the Federal Register) and that allows access to artifact collections.</p>	Technical analysis required prior to project approval.	City/Qualified Archaeologist	
<p><b>CUL-3:</b> If human remains are unintentionally disturbed during archaeological excavations or construction activities, implementation of the procedures set forth in PRC Section 5097.98 and California State Health and Safety Code 7050.5 would be implemented in consultation with the MLD as identified by the NAHC. California State Health and Safety Code Section 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined by the County Coroner to be Native American, the NAHC shall be notified within 24 hours. The NAHC shall identify the MLD with whom consultation shall occur to determine in the treatment and disposition of the remains.</p>	During Construction	City/Qualified Archaeologist	
<b>4.7 Geology/Soils</b>			
<p><b>PAL-1:</b> Applications for future development, wherein the Community Development Director or his or her designee has determined a potential for impacts to paleontological resources, shall review the underlying geology and paleontological sensitivity of the site. If it is determined that the potential exists that sensitive paleontological resources are present, the applicant shall be required to comply with the following mitigation framework.</p> <p>A qualified paleontological monitor shall be present during grading in project areas where a project specific geological technical study has determined that such monitoring is necessary due to the potential for paleontological resources to reside within the underlying geologic formations. The geologic technical study shall also provide specific duties of the monitor, and detailed measures to address fossil remains, if found.</p>	During Construction	City/Qualified Paleontologist	
<b>4.13 Noise</b>			
<p><b>NOS-1:</b> The Director of Community Development or his or her designee shall require applicants to demonstrate whether the project has the potential to exceed noise standards contained in Sections 8.14.040(E) and 11.80.030(D)(7) of the Municipal Code. If a project may exceed standards or is located adjacent to sensitive receptors, the City may require the applicant to prepare a Noise Analysis that estimates construction noise and identifies noise reduction measures that would ensure compliance with Municipal Code standards. Construction plans submitted to the City shall identify applicable measures on demolition, grading, and construction plans submitted to the City. Noise reduction measures can include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>Demolition, construction, site preparation, and related activities that would generate noise perceptible at the property line of the subject property are limited to the hours between 7:00 a.m. to 7:00 p.m. from Monday through Friday excluding holidays and from 8:00 a.m. to 4:00 p.m. on Saturdays. The building inspector may issue an exception to this limitation on hours in cases of urgent necessity where the public health and safety will not be substantially impaired.</li> <li>Idling times for noise-generating equipment used in demolition, construction, site preparation, and related activities shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.</li> <li>Demolition, construction, site preparation, and related activities within 70 feet from the edge of properties with existing, occupied noise-sensitive uses shall incorporate all feasible strategies to reduce noise exposure for noise-sensitive uses, including:</li> </ol>	Technical analysis required prior to project approval.	City	

Attachment: Exhibit B MMRP [Revision 1] (4401 : Comprehensive General Plan Update and Municipal Code Amendment)

**Table 7-1  
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
<p>a. Provide written notice to all known occupied noise-sensitive uses within 400 feet of the edge of the project site boundary at least 2 weeks prior to the start of each construction phase of the construction schedule;</p> <p>b. Ensure that construction equipment is properly maintained and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications;</p> <p>c. Re-route construction equipment away from adjacent noise-sensitive uses;</p> <p>d. Locate noisy construction equipment away from surrounding noise-sensitive uses;</p> <p>e. Use sound aprons or temporary noise enclosures around noise-generating equipment;</p> <p>f. Position storage of waste materials, earth, and other supplies in a manner that will function as a noise barrier for surrounding noise-sensitive uses;</p> <p>g. Use the quietest practical type of equipment;</p> <p>h. Use electric powered equipment instead of diesel or gasoline engine powered equipment; Use shrouding or shielding and intake and exhaust silencers/mufflers; and</p> <p>i. Other effective and feasible strategies to reduce construction noise exposure for surrounding noise-sensitive uses.</p> <p>4. For construction of buildings that require the installation of piles, an alternative to installation of piles by hammering shall be used. This could include the use of augured holes for cast-in-place piles, installation through vibration or hydraulic insertion, or another low-noise technique.</p>			
<p><b>NOS-2:</b> Prior to issuance of a building permit for a project requiring pile driving during construction within 135 feet of fragile structures, such as historical resources, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or within 75 feet of engineered concrete and masonry (no plaster); or a vibratory roller within 25 feet of any structure, the project applicant shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed Federal Transit Administration (FTA) architectural damage thresholds (e.g., 0.12 inches per second [in/sec] peak particle velocity [PPV] for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving and static rollers as opposed to vibratory rollers shall be used. If necessary, construction vibration monitoring shall be conducted to ensure vibration thresholds are not exceeded.</p>	<p>Technical analysis required prior to project approval.</p>	<p>City</p>	

## RESOLUTION NUMBER 2021-20

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE MOVAL 2040, GENERAL PLAN AMENDMENT PEN19-0240, THE CLIMATE ACTION PLAN AND THE CLIMATE ACTION PLAN APPENDICES

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

**WHEREAS**, on October 1, 2019, the City Council authorized staff to award a project-related professional services agreement to Dyett and Bhatia, an urban and regional planning firm, for the preparation of a comprehensive update to the City’s General Plan, and preparation of associated documents; and

**WHEREAS**, pursuant to the provisions of Municipal Code Section 9.02.200 (Public Hearing and Notification Procedures) of the Moreno Valley Municipal Code and Government Code section 65905, a public hearing was scheduled for May 27, 2021, and notice thereof was duly published and posted and an advertisement exceeding one-eight page advertisement was published on May 15, 2021 in lieu of providing individual notices to property owners since greater than 1,000 property owners are affected by the project as provided for in Section 9.02.200 (C.2); and

**WHEREAS**, on May 27, 2021, the public hearing to consider MoVal 2040 was duly conducted by the Planning Commission at which time all interested persons were provided with an opportunity to testify and to present evidence; and

**WHEREAS**, on May 27, 2021, 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 Resolution 2021-20 recommending that the City Council certify the Environmental Impact Report prepared for MoVal 2040: Comprehensive General Plan Update and Climate Action Plan, which includes overriding findings.

**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.

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

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

## **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.

## **Section 3. Evidence**

That the Planning Commission has considered all of the evidence submitted into the administrative record for MoVal 2040 (General Plan update and Climate Action Plan), including, but not limited to, the following:

- (a) MoVal 2040 documents and all relevant provisions contained therein;
- (b) The Climate Action Plan and the Climate Action Plan Appendices, are on file with the Community Development Department and posted on the City's website;
- (c) Proposed corresponding amendment to the Title 9 of the City's Municipal Code and amendments to the City's Official Zoning Atlas;
- (d) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all corresponding changes to Title 9 to achieve consistency with the General Plan;
- (e) The Moreno Valley General Plan amendment for MoVal 2040 changing the General Plan Land Use Map as shown on Map LCC-4 of the Land Use and Community Character Element which is on file with the Community Development Department and posted on the City's website;
- (f) Application for the approval of MoVal 2040: Comprehensive General Plan Update (PEN19-0240) and all documents, records and references contained therein;
- (g) 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;
- (h) Testimony and/or comments from Applicant and its representatives during the public hearing; and
- (i) Testimony, comments and 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 makes the following findings:

- (a) The proposed MoVal 2040 (Comprehensive General Plan update and Climate Action Plan) establishes the aspirational goals for the City of Moreno Valley for the future, and replaces the existing goals, objectives, policies and programs of the General Plan; and

- (b) MoVal 2040 is consistent with all applicable planning and housing laws in the state of California, including the State General Plan Guidelines; and
- (b) The proposed General Plan amendment will not adversely affect the public health, safety or general welfare.

**Section 5. Recommendation**

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby recommends that the City Council approve Comprehensive General Plan Update PEN19-0240, the Climate Action Plan and the Climate Action Plan Appendices.

The General Plan Update and Climate Action Plan documents are on file with the Community Development Department and posted on the City's website.

**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.

**PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

\_\_\_\_\_  
Patricia Korzec, Chairperson

ATTEST:

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Patty Nevins,  
Planning Official

APPROVED AS TO FORM:

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Steven B. Quintanilla,  
Interim City Attorney

## General Plan Errata Sheet Summarizing Revisions in Response to Public Comment

Item	Page No.	Chapter	Action Requested	Edit
1	3-3	Economic development	Correction to firm name in Table on p.3-3	"Mass Bros" > Moss Bros
2	2-9	Land Use	Change the land use designation from Residential 3 (R3) to Commercial (C) to achieve ALUC consistency.	Update Map LCC-4, APNs: 263070040 (0.32 acres) 2630070039 (0.58 acres)
3	2-9	Land Use	Change the southern 1/3 (approx. 232' H x 100' W) to Business Flex to achieve ALUC consistency. The northern 2/3 of the parcel will be Residential 3 (R3) as shown in the General Plan.	Update Map LCC-4, APNs: 291192025 (1.46 acres)
4	2-9	Land Use	Land Use change from COMU back to Residential 10 (R10) to correct a map error.	Update Map LCC-4, APNs: 486193038, 486193037 486193002, 486193005 486193036, 486193001 486193009, 486193004 486193008, 486193007 486193006, 486193003 486193010, 486193034 486193035
5	2-9	Land Use	Land Use change from Residential 10 (R10) back to Residential 5 (R5).	Update Map LCC-4: APNs: 316110005, 316110006 316110024, 316110023 316110022
6	4-12	Circulation	Bullet point missing/formatting off	◆Car sharing services are services that allow consumers access to a vehicle without owning a personal car. Car share services typically charge a monthly or yearly membership fee and an hourly rate for access to its shared vehicle fleet.
7	5-8	Parks/Public Services	Clarification to policy language	PPS.1-2: Require that proponents of new development projects contribute to the acquisition and development of adequate parks and recreational facilities within the community, either through the dedication of park land <u>and construction of facilities</u> , or the payment of in-lieu fees.
8	5-9	Parks/Public Services	Clarification to policy language	PPS.1-D Evaluate changes to parkland dedication requirements that will ensure the adequate provision of parkland. These changes may include updating the municipal code to extend parkland dedication requirements to residential projects of fewer than 50 units and requiring that large residential projects provide public open space, <u>parkland</u> and amenities on-site.
9	5-3	Parks/Public Services	Revise Map OSRC-1 Regional Open Space and Trails to show only the officially trails adopted in the Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan.	Map revision
10	5-2 through 5-6	Parks/Public Services	Minor adjustments to parks acreages in Table PPS-1 and narrative, based on new data from Parks Department	The City has established a park service standard of 3.0 acres of parkland per 1,000 residents to ensure that access to parks is adequate and commensurate with the size of the community. With <u>481 acres</u> of existing and planned parkland, Moreno Valley currently has <u>2.35 acres</u> per thousand residents, below the established service ratio. However, the City has identified approximately <u>190 acres</u> of land for new parks, including the Markborough (43.16 acres) and Redlands (6.00 acres) properties, College Park undeveloped area (7.00 acres, dependent upon joint use agreement with Moreno Valley College), Morrison property undeveloped area (8.09 acres), and Rancho Verde Park (3.44 acres). Development of these facilities will provide new recreational open space to satisfy future demand, although with a projected population of over 252,000 in 2040, an additional <u>86.02 acres</u> of parkland will be required to meet the established standard. Map PPS-1 identifies potential locations for these new facilities, adjacent to areas where new housing is envisioned. These are generalized locations only, intended to represent the approximate area
11	6-13	Safety	Clarification to language of policy S.1-14 requested by CalFire	S.1-14Require new development in Very High FHSZs to prepare a Fire Protection Plan that minimizes risks by: <ul style="list-style-type: none"> <li>•Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns etc.;</li> <li>•Siting and designing development to avoid hazardous locations (eg. through fire breaks) to the extent feasible;</li> <li>•Incorporating fuel modification and brush clearance techniques in accordance with applicable fire safety requirements and carried out in a manner which reduces impacts to environmentally sensitive habitat to the maximum feasible extent;</li> <li>•Using fire-safe building materials and design features, consistent with the adopted Municipal Code and Fire and Building Code standards;</li> <li>•Using fire-resistant <del>retardant</del>landscaping; and</li> <li>•Complying with established standards and specifications for fuel modification, defensible space, access, and water facilities.</li> </ul>



## General Plan Errata Sheet Summarizing Revisions in Response to Public Comment

Item	Page No.	Chapter	Action Requested	Edit
12	6-15	Safety	Board of Forestry recommends a measure to address existing private roadways in very high fire hazard severity zones that do not conform to current standards.	<u>Action S.2-H. Work with property owners and HOAs in Very High Fire Hazard Severity Zones to explore options for improving emergency access in areas where existing roadways may not be fully compliant with current standards.</u>
13	8-14	Environmental Justice	Policy EJ.3-3 number is repeated twice	<del>EJ.3-3</del> Collaborate with Riverside County Health Department, Moreno Valley College, Riverside University Medical Center, Kaiser Medical Center, and other community organizations to encourage and facilitate local urban agriculture, farmers' markets, mobile health food markets, food trucks, food stands, and healthy food in convenience markets.
14	9-3	Healthy Community	Heading reads Access the Health Services	Access <del>the</del> to Health Services

## RESOLUTION NUMBER 2021-21

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A MUNICIPAL CODE ZONING ORDINANCE AMENDMENT, PEN21-0030, TO ESTABLISH NEW ZONES THAT CORRESPOND TO THE NEWLY ESTABLISHED GENERAL PLAN DESIGNATIONS, AND RELATED AMENDMENTS TO TITLE 9, AND ZONING ATLAS AMENDMENTS THAT CORRESPOND TO THE NEWLY ESTABLISHED GENERAL PLAN DESIGNATIONS**

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

**WHEREAS**, zoning consistency is a requirement of State law and zoning must be changes to establish consistency “within a reasonable time” upon adoption of a new General Plan Land Use element (Government Code Section 65860(c)); and

**WHEREAS**, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Moreno Valley Municipal Code and Government Code section 65905, a public hearing was scheduled for May 27, 2021, and notice thereof was duly published and posted; an advertisement exceeding the minimum of one-eighth page was published on May 15, 2021 in lieu of notices to property owners since greater than 1,000 property owners are affected as provided for in Section 9.02.200 (C.2); and

**WHEREAS**, on May 27, 2021, 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 27, 2021, 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 Resolution 2020-21.

**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**

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

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

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.

### **Section 3. Evidence**

That the Planning Commission has considered all of the evidence submitted into the administrative record for the General Plan Amendment and Municipal Code Amendment PEN21-0030, including, but not limited to, the following:

- (a) MoVal 2040 documents, including the General Plan update and Climate Action Plan, and all relevant provisions contained therein;
- (b) Text Amendments to Title 9 as proposed herein (Exhibit A), and Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all relevant provisions referenced therein;
- (c) Changes to the City's Zoning Atlas to add new zones (Downtown Center, Corridor Mixed Use, Center Mixed Use, Business Flex, and Highway Office/Commercial, and other changes for consistency with the General Plan Land Use Map LCC-4 of the Land Use and Community Character Element (Exhibit B) including applicable modifications to residential density and to the locations of the existing overlay zones, Primary Animal Keeping Overlay (PAKO) and existing Mixed-Use Overlay (MUO) district, all other relevant provisions contained therein as shown on Exhibit C;
- (d) Application for the approval of a Municipal Code Amendment and amendment to the Official Zoning Atlas PEN21-0030 and all documents, records and references contained therein;
- (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 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:

- (a) The proposed Municipal Code Amendment and Official Zoning Atlas Map is consistent with the existing goals, objectives, policies and programs of the comprehensive General Plan update (PEN19-0240);
- (b) The proposed Municipal Code Amendment and Official Zoning Atlas map are within the scope of the Final Environmental Impact Report prepared for MoVal 2040 in that the amendments to the Municipal Code and Official

Zoning Map are limited to those necessary for consistency with MoVal 2040, the impacts of which have been fully assessed in the Environmental Impact Report; and

- (b) The proposed Municipal Code Amendment will not adversely affect the public health, safety or general welfare; and
- (c) The proposed Municipal Code Amendment is consistent with the purposes and intent of Title 9.

#### **Section 5. Recommendation**

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 Municipal Code Amendment PEN21-0030 attached hereto as Exhibit A, Municipal Code Amendment text, Exhibit B Permitted Uses Table 9.02.020-1, Exhibit C Permitted Uses Table 9.02.020-2, Exhibit D Illustrative Zoning Map, Exhibit E PAKO overlay, and Exhibit F Mixed Use Overlay.

#### **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.

**PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

\_\_\_\_\_  
Patricia Korzec, Chairperson

ATTEST:

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Patty Nevins,  
Planning Official

APPROVED AS TO FORM:

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Steven B. Quintanilla,  
Interim City Attorney

Exhibits:

Exhibit A Municipal Code Amendment text

Exhibit B Permitted Uses Table 1, Table 9.02.020-1

Exhibit C Permitted Uses Table 2, Table 9.02.020-2

Exhibit D Illustrative Zoning Map revised for consistency with General Plan update

Exhibit E Overlay Zone maps revised for consistency with General Plan update (PAKO)

Exhibit F Overlay zone map for consistency with General Plan Update (Mixed-Use Overlay zone)

### 9.01.090 Zoning districts.

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A. Districts Created. In order to provide a uniform basis for regulating the use of land, buildings and structures, and to establish minimum site development regulations and performance standards applicable to sites within the city, the city is divided into the following districts:

1. Residential Districts.
  - a. Rural residential (RR) district;
  - b. Hillside residential (HR) district;
  - c. Residential 1 (R1) district (forty thousand (40,000) square feet minimum lot size);
  - d. Residential 2 (R2) district (twenty thousand (20,000) square feet minimum lot size);
  - e. Residential agriculture 2 (RA2) district (twenty thousand (20,000) square feet minimum lot size);
  - f. Residential 3 (R3) district (ten thousand (10,000) square feet minimum lot size);
  - g. Residential 5 (R5) district (seven thousand two hundred (7,200) square feet minimum lot size);
  - h. Residential 10 (R10) district;
  - i. Residential 15 (R15) district;
  - j. Residential 20 (R20) district;
  - k. Residential 30 (R30) district;
  - l. Residential single-family 10 (RS10) district.
2. ~~Mixed Use Districts.~~
  - a. ~~Mixed use development 1 (MUD1) district;~~
  - b. ~~Mixed use development 2 (MUD2) district.~~
2. Commercial Districts.
  - a. Neighborhood commercial (NC) district;
  - b. Community commercial (CC) district;
  - c. Village commercial (VC) district;
  - d. Tourist recreation commercial (TRC) district;
  - e. Office commercial (OC) district;
  - f. Office (O) district.
3. Employment Districts.
  - a. Business park (BP) district;
  - b. Business park-mixed use (BPX) district;
  - c. Industrial (I) district.
4. Open Space and Agricultural Districts.
  - a. Open space (OS) district;
  - b. Agriculture (AG) district.

5. Special Districts.

- a. Public (P) district;
- b. Specific plan (SP) district, precise zoning adopted separately and reflected on zoning atlas;
- c. Medical use overlay (MUO) district;
- d. ~~Airport installation compatibility use zone (AICUZ)~~
- d. Outdoor advertising display overlay (OADO).
- e. Mixed Use Zones (B-F, CEMU, COMU, DC, H/OC)
- f. Mixed Use Overlay Districts

Parenthesis ( ) following district name is abbreviation appearing on zoning atlas maps.

B. Adoption of Official Zoning Atlas.

1. The boundaries of the zoning districts established pursuant to subsection A of this section are delineated upon that certain map(s) entitled “Official Zoning Atlas of the city of Moreno Valley,” sometimes referred to as the “zoning map.” The zoning atlas, together with all pages, legends, notations, references, boundaries, and other information thereon, is attached to and incorporated by reference in the ordinance adopting this title and is incorporated into this title by reference.

2. A copy of the official zoning atlas shall be kept on file with the city clerk and community development director and shall be made available to the public. Changes in the boundaries of any district shall be made by ordinance pursuant to Section [9.02.050](#) of this title, and shall be reflected on the official zoning atlas. The community development director shall be responsible for keeping official records relative to zoning atlas amendments.

C. Determination of Zoning District Boundaries.

1. Wherever a lot or site is divided by the boundary between districts, the regulations applicable within each district shall apply to each portion of the site situated in a separate district.

2. The following rules shall apply for determining the boundaries of any district on the zoning atlas:

a. Although zoning district boundaries depicted on the official zoning atlas may follow street or other right-of-way boundary lines, the district boundary shall not be construed to be the right-of-way boundary. The centerline of the rightof-way shall be the district boundary;

b. In unsubdivided property, where a district boundary divides a lot, the location of the district boundary, unless the same shall be indicated by dimensions, shall be determined by use of the scale appearing on the zoning atlas;

c. A symbol or symbols indicating the classification of property on the zoning atlas shall in each instance apply to the whole of the areas within the zoning district boundaries;

d. Where a public street, alley or right-of-way is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to each half of such vacated or abandoned street, alley or right-of-way adjacent to that abutting property. (Ord. 810 § 3.1, 2010; Ord. 797 § 2.1, 2009; Ord. 726 § 4.1, 2006; Ord. 694 § 1.1, 2005; Ord. 671 § 2, 2004; Ord. 564 § 2.2, 2000; Ord. 475 § 1.4, 1995; Ord. 468 § 1.1, 1995; Ord. 359, 1992)

### 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 Chapter 9.07.010, Permitted Uses Table 9.07.010-2.

Insert Permitted Uses Table 9.02.020-1 (see attached)

Insert Permitted Uses Table 9.02.020-2 (see attached)



## Chapter 9.07 SPECIAL DISTRICTS

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### Article I. Special Districts in General

**9.07.010 Mixed-Use Zones/Corridors (B-F, DC, COMU, CEMU, HO/C)**

**9.07.030 Public District.**

**9.07.040 Medical use overlay district (MUO).**

**9.07.060 Airport Land Use Compatibility Plan.**

**9.07.080 Primary animal keeping district.**

### Article II. Mixed Use Overlay Districts

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#### **9.09.090 Mixed Use Overlay Districts**

##### **A. Business Flex (B-F)**

1. **Purpose and Intent.** This designation provides for a range of business activities involving production, distribution, or repair with supporting office and commercial space. Permitted uses include light manufacturing, research and development, warehousing and distribution, automobile services and repair, and other uses consistent with applicable airport land use compatibility regulations. Corresponding zoning will be performance-based to promote flexibility and minimize non-conformance issues with existing uses.

2. **Property Development Standards.** The Business Flex (BF) district applies primarily to parcels fronting Alessandro Boulevard between Old Highway 215 and Elsworth Street. The intent is to provide opportunities for the development of onsite pedestrian-oriented friendly projects with development amenities that serves the needs of residents, visitors, and employees from the surrounding community. Development is allowed up to three (3) stories in height with building frontages near or at the sidewalk, landscaped pathways from the public right-of-way and throughout the development, and parking under or behind buildings.

##### **3. Site Development Standards.**

- a. **General Requirements.** The following table sets forth minimum site development standards for the Business Flex district zone. In addition, projects must comply with the performance standards included in Chapter 9.10, and other applicable ordinances, policies, and programs. The parking standards in MC 9.11.040 off-street parking requirements shall apply.

**BUSINESS FLEX District (BF): DEVELOPMENT STANDARDS**

Requirement	Development Standards
Density – Persons	Requires consistency with ALUCP and underlying ALUC Zone
Minimum Site Area	Commercial minimum 10,000 square feet; and warehousing uses minimum 35,000 square feet
Minimum site width, in feet	80
Minimum Site Depth, in feet	100
Front Building Setback, in feet (after dedications for right-of-way)	5 to 10 (Building areas above thirty (30) feet in height shall be set back an additional five feet for every 10 feet of additional structure height unless otherwise approved by the Planning Commission.)
Side street building setback area, in feet (after dedications for right-of-way)	10 (Building areas above thirty (30) feet in height shall be set back an additional five feet for every 10 feet of additional structure height unless otherwise approved by the Planning Commission.)
Lot coverage, maximum	60%
Floor Area Ratios	.5*
Building height, in feet, maximum	35 feet in B1 or B2; and up to 70 feet in C1 of the ALUC Plan
Parking front street setback, in feet (after dedications for right-of-way)	For additional information regarding the ALUC Plan, see MC Section 9.07.060
Parking side street setback, in feet (after dedications for right-of-way)	10
Setback Landscaping	10

\* Further restrictions/regulations per the 2014 Airport Land Use Compatibility Plan (ALUCP), that include prohibited uses, restricted heights, and restricted FARs. The Business-Flex (BF) District is comprised of portions of the B1, B2, and C1 zones in said plan.

**B. Downtown Center (DC)**

**1. Purpose and Intent.** The Downtown Center is envisioned as the primary hub and focal point of Moreno Valley and an economic and cultural engine in the region. The district establishes standards to foster development of a vibrant Downtown Center at the heart of the city to serve as a focal point of the community and destination for people from around the region. The district allows for a vibrant mix of business, entertainment, residential, cultural, and civic uses with the focus of the highest intensity of development along Nason Street. It integrates existing uses and layers compatible new land uses and public amenities together at various scales and intensities to foster a mix of uses that encourages people to live, work, play, and shop within the Downtown Center.

With a range of activities day and night, this thriving area will draw people and businesses to Moreno Valley and will showcase the highest quality architecture/design to rival anything in the region. The Downtown Center will integrate the existing hospital complexes and provide visual and physical connections to Moreno Valley College, Lake Perris, and other key destinations within the community.

Visibility is a critical design consideration for the Downtown Center. Design standards for development at the core of the Downtown Center. The district seeks to take advantage of the relatively flat terrain and promote higher building heights to help build visual connections from other locations within the community and enhance the prominence of the Downtown Center as an important destination. Additionally, public plazas and other vantage points within the Downtown Center should be designed to allow for view of the scenic hills surrounding the city, enhancing sense of place.

**2. Property Development Standards.** The Downtown Center zone applies primarily to parcels in the area generally bounded by Lasselle Street, Iris Avenue, Nason Street, and extending to Cottonwood Avenue at some locations. The intent is to allow for development of a downtown that will include commercial, office, vertical and horizontal mixed use, higher density multi-family development, and lower density residential on the periphery. The most intense development is expected to be focused towards Nason Street. The zone is intended to:

- Ensure orderly and thorough planning and review procedures that will result in quality design; and
- The creation and improvement of common open space and coordination of vehicular, pedestrian, and bicycle circulation; and
- Establish a procedure for the development of land under unified control to achieve efficient land use patterns while permitting creative and innovative approaches to the development of residential, commercial, and mixed-use in the designated DC District in order to create a central downtown business atmosphere towards Nason Street; and
- Encourage mixed development patterns and avoid monotony in large developments by allowing greater flexibility in selecting the means to provide access, light, open space, and amenities; and
- Decrease the burden created by new development on utilities and other infrastructure systems by permitting mixed use development consistent with policies of the General Plan; and

**3. Special Requirements.** In order to implement the Downtown Center (DC) District General Plan policies, an area plan will be required demonstrating consistency with the principles outlined in the Land Use and Community Character (LUCC) Element, Table LCC-2 and the illustrative development program shown in the LUCC Element, Table LCC-3 prior to approval. For large projects, an existing or proposed Specific Plan may be used in lieu of an Area Plan. Development on smaller parcels and multi-family housing projects may satisfy this requirement with a site plan as determined by the Community Development Director, and development of residential projects on the periphery of the Downtown Center may satisfy the requirement through approval of a Planned Unit Development application.

### **The Floating Zone Concept**

A floating zone is a zone that delineates a general area where certain conditions would need to be considered before a development proposal is approved.

### **Floating PUDs**

The Floating Planned Unit Development (DC-PUD) designation allows for the development of single-family housing and less dense multi-family housing on the periphery of the Downtown Center. This will support development of the most intense development in proximity to Nason Street, allowing residential mixed-use projects with ground-floor commercial uses in proximity to the intersection of Nason Street and Alessandro Boulevard, and encouraging residential development greater than 20 dwelling units per acre along portions of Alessandro Boulevard towards Nason Street.

The designation for the Floating Planned Unit Development zone is indicated on the Official Zoning Map with a circle border and the letters “DC-PUD”. This symbol represents a “floating” designation and is only intended to indicate a general area within which a PUD could be located. It does not preclude other development or uses that would otherwise be permitted within the Downtown Center. The purpose and intent of the PUD Floating Zone is to provide flexibility in planning for residential development of projects.

### **Floating Plazas**

The Floating Parks and Plazas (DC-PPL) zone is used to designate lands that can be publicly or privately-owned and are intended to be programmed for low intensity, publicly accessible open space uses. Parks and Plazas represent a creative solution to provide more public space in the Downtown Center zone. Plazas and pocket parks will generally be spaces that are developed and maintained privately, but open to the public. Opportunities for the creation of these types of plazas will occur as properties in the DC zone develop with higher intensity uses.

The designation for the park or plaza is indicated on the Official Zoning Map with a circle border and the letters “DC-PPL”. This symbol represents a “floating” designation and is only intended to indicate a general area within which a park or plaza site should be located. The specific size, exact location and configuration of such park or plaza site will be finalized only through future development of specific parcels in the DC District through an area plan, Specific Plan, or a site plan. Until such time that these properties are privately developed as a publicly accessible park or plaza space or purchased by the City, development is allowed consistent with the DC zone.

## **4. Site Development Standards**

A. General Requirements. The following sets forth minimum site development standards for the Downtown Center. In addition, projects must comply with the special requirements enumerated in subsection B.3, the performance standards included in Chapter 9.10, and other applicable ordinances, policies, and programs. The parking standards in MC 9.11.040 off-street parking requirements shall apply.

### **Downtown Center (DC) - DEVELOPMENT STANDARDS**

<u>Requirement</u>	<u>Development Standards</u>
<u>Block Development</u>	<u>Blocks over 500 feet should feature midblock connections shall as pedestrian pathways or alleys. Block sizes should range between 330 and 660 linear feet where feasible.</u>
<u>Mid-Block Pathways</u>	<u>Mid-block pathways shall be no less than 16 feet wide.</u>

<u>Buildings shall be oriented such that frontages and entrances are visible and accessible from the public right-of-way, pedestrian connections, parks, or plazas.</u>	<u>Buildings shall be oriented such that frontages and entrances are visible and accessible from the public right-of-way, pedestrian connections, parks, or plazas.</u>
<u>Density - Dwelling Units (Du)/Acre *</u>	<u>NA (with or without affordable housing)</u>
<u>Minimum Site Area</u>	<u>As determined through Area Plan if required or Site Plan review</u>
<u>Minimum site width, in feet</u>	<u>As determined through Area Plan if required or Site Plan review</u>
<u>Minimum Site Depth, in feet</u>	<u>As determined through Area Plan if required or Site Plan review</u>
<u>Front Building Setback, in feet (after dedications for right-of-way) Ground Floor Use</u>	<u>0 - 10 ft</u>
<u>Side street building setback area, in feet (after dedications for right-of-way)</u>	<u>0 - 10 ft</u>
<u>Interior side yard setback in feet</u>	<u>0 - 10</u>
<u>Rear yard setback in feet</u>	<u>10</u>
<u>Lot coverage, maximum</u>	<u>Pending Landscape and Open Space Requirements</u>
<u>Building height, in feet, maximum</u>	<u>None.</u>
<u>Floor Area Ratio (FAR)</u>	<u>NA</u>
<u>Minimum Dwelling Size</u>	<u>*See note below.</u>
<u>Minimum distance between buildings in feet (between residential and commercial uses)</u>	<u>10</u>
<u>Parking (surface) front street setback, in feet (after dedications for right-of-way)</u>	<u>10</u>
<u>Parking (surface) side street setback, in feet (after dedications for right-of-way)</u>	<u>5</u>
<u>Garage/Tuck-Under Parking</u>	<u>Prohibited along front lot lines</u>
<u>Underground/Podium Parking</u>	<u>Allowed beneath building footprints</u>
<u>Above Ground Parking Structure</u>	<u>Allowed if screened from views from public right-of-way and adjacent single family residential zones</u>
<u>Setback Landscaping</u>	<u>All setbacks exclusive of required walkways and driveways will be landscaped planting areas.</u>
<u>Publicly Accessible Open Space (non-residential)</u>	<u>15% of net lot area</u>

<u>Private Open Space (Multi-family residential)</u>	<u>150 sq ft per unit on 1st floor, and 100 sq ft per unit on upper floors</u>
<u>Common Open Space (multi-family residential)</u>	<u>300 sq ft per unit</u>
<u>Ground floor building frontages clear glazing material</u>	<u>60%</u>
<u>Ground floor-to-ceiling minimum height in feet</u>	<u>15-20</u>
<b>*Note: Minimum Dwelling Unit Sizes</b>	
a. Studio and One Bedroom: four hundred fifty (450) square feet;	
b. Two Bedroom: eight hundred (800) square feet;	
c. Three Bedroom: one thousand (1000) square feet;	

### **C. Corridor Mixed Use (COMU)**

**1. Purpose and Intent.** The Mixed-Use Community Corridor (COMU) zone is intended to create vibrant boulevards that are both a destination and a place where people can work and live. This will consist of buildings that emphasize street-oriented frontages, pedestrian-scaled buildings, creative use of open spaces and building design, and engaging, well-crafted areas for pedestrian activity such as plazas and walkways. The integration of residential and commercial uses into a mix of vertical and horizontal buildings will encourage businesses to relocate and establish a presence in Moreno Valley whereby pedestrians will work, live, shop and enjoy an array of entertainment experiences. The Mixed-Use Corridors will facilitate transit and bicycle use, and pedestrian activity. This designation allows for residential densities from 15 dwelling units per acre up to 25 dwelling units per acre.

#### **2. Establishment and Intent.**

The Corridor Mixed-Use District is generally located on Alessandro Boulevard, Perris Boulevard, and Sunnymead Boulevard. For Sunnymead Boulevard, the Village Specific Plan (SP204) provides mixed use standards that are consistent with the intent of this section.

Alessandro Boulevard and Perris Boulevard (COMU) are major entryways into Moreno Valley providing gateways to the City, such that these corridors should:

- a. Facilitate a pedestrian-scaled environment with buildings that emphasize active and street-oriented frontages, well-scaled and designed buildings, and engaging outdoor spaces and landscaping.
- b. Allow for higher intensity residential, commercial, and mixed-use buildings to provide the appropriate height relative to the width of the street.
- c. Provide increased opportunities in Moreno Valley for residents to live near goods, services, transit, and entertainment while also ensuring a high standard and quality of life for residents.
- d. Ensure that consideration and proper transition is designed to adjacent lower-density residential uses.

**3. Applicability.** For Alessandro Boulevard and Perris Boulevard, the building design standards, site design guidelines, and all other land use and development requirements, standards, or other provisions set forth in MC 9.07.010 shall apply to all development within the Corridor Mixed Use zone (COMU). The City's Official Zoning Atlas will identify the zone as COMU except that in areas within the Village Specific

Plan (SP204), the zoning will be designated as COMU followed by the applicable Specific Plan zone within the Village Specific Plan.

Within the COMU-SP 204 CC zone, commercial uses and development standards of the SP204 CC shall apply, and in addition residential and mixed use are permitted consistent with the standards of the SP204 VCR.

**4. Special Requirements.** A mix of uses is not required on every site but is desired on sites at intersections in order to foster nodes of commercial mixed use development along the corridor. Commercial uses should be concentrated at intersections and limited to no more than 25 percent of the maximum permitted FAR, excluding parking. No residential uses in a vertical mixed use project are permitted on the ground floor.

**5. Permitted Land Uses.** For Perris Boulevard and Alessandro Boulevard, Table 9.02.010-2 indicates the uses permitted (X), permitted with a conditional use permit (C), permitted under special distancing requirement (◆), and permitted pursuant to cannabis regulations (M). Any use not specifically indicated for the Corridor Mixed-Use (COMU) zone in Table 9.02.010-2 as a permitted use, or conditional use shall be prohibited unless they are deemed by the Community Development Director to be similar and compatible uses which meet the purpose and intent of the Corridor Mixed-Use zone.

For uses within the COMU – SP204 CC zone, the uses permitted by SP204 CC shall apply and in addition residential and mixed uses are permitted consistent with the standards of the SP204 VCR.

**6. Site Development Standards**

**A. General Requirements.** The following table sets forth minimum site development for the Mixed-Use Corridor zone. For the Village Specific Plan (SP204), the development standards of the Village Specific Plan will apply as described under the Applicability section above. In addition, projects must comply with the special requirements enumerated in subsection B.4, the performance standards included in Chapter 9.10, and other applicable ordinances, policies, and programs. The parking standards in MC 9.11.040 off-street parking requirements shall apply.

**Corridor Mixed Use (COMU) - DEVELOPMENT STANDARDS**

<u>DEVELOPMENT STANDARDS</u>	<u>COMU</u>	<u>Special Provisions</u>
<u>Density - Dwelling Units (Du)/Acre</u>	<u>15-25</u>	<u>NA</u>
<u>Minimum Site Area, square feet</u>	<u>10,000</u>	<u>These requirements apply to parcels created based on a parcel map or tract map, and would not apply to a condominium map.</u>
<u>Minimum site width, in feet</u>	<u>100</u>	
<u>Minimum Site Depth, in feet</u>	<u>100</u>	
<u>Front Building Setback, in feet (after dedications for right-of-way)</u>	<u>5 -10</u>	<u>NA</u>
<u>Side street building setback area, in feet (after dedications for right-of-way)</u>	<u>5</u>	<u>NA</u>

<u>Interior side yard setback in feet</u>	<u>0-10</u>	<u>NA</u>
<u>Rear yard setback in feet</u>	<u>5*</u>	<u>* 15 feet when abutting residential.</u>
<u>Building height, in feet, maximum</u>	<u>5 stories/60 ft.</u>	<u>NA</u>
<u>Maximum Floor Area Ratio (FAR) - Commercial and Mixed-Use</u>	<u>1.3</u>	
<u>Minimum Dwelling Size</u>	<u>*See note below.</u>	
<u>Minimum distance between buildings in feet</u>	<u>10</u>	
<u>Parking (surface) front street setback, in feet (after dedications for right-of-way)</u>	<u>10</u>	
<u>Parking (surface) side street setback, in feet (after dedications for right-of-way)</u>	<u>5</u>	
<u>Garage/Tuck-Under Parking</u>	<u>Prohibited along front lot lines</u>	
<u>Underground/Podium Parking</u>	<u>Allowed beneath building footprints</u>	
<u>Above Ground Parking Structure</u>	<u>Allowed if screened from views from public right-of-way and adjacent single family residential zones</u>	
<u>Setback Landscaping</u>	<u>All setbacks exclusive of required walkways and driveways will be landscaped planting areas.</u>	
<u>Publicly Accessible Open Space (non-residential)</u>	<u>15% of net lot area</u>	
<u>Private Open Space (Multi-family residential)</u>	<u>150 sq ft per unit on 1<sup>st</sup> floor, and 100 sq ft per unit on upper floors</u>	
<u>Common Open Space (multi-family residential)</u>	<u>300 sq ft per unit</u>	

\*Note: Minimum Dwelling Unit Sizes:

One Bedroom: four hundred fifty (450) square feet

Two Bedroom: eight hundred (800) square feet

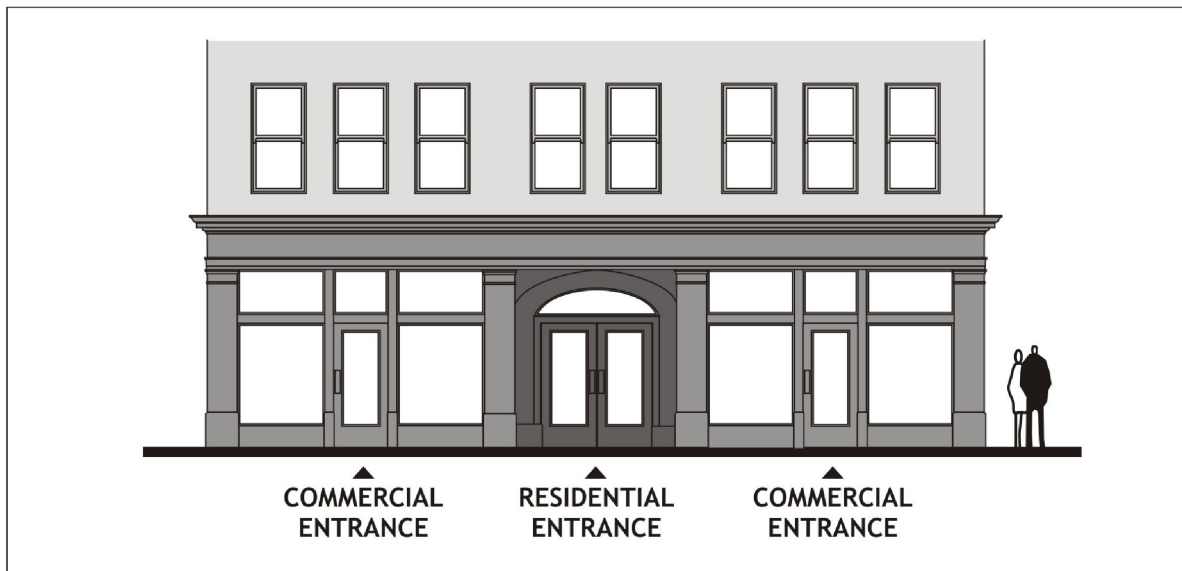
Three Bedroom: one thousand (1000) square feet



## **B. Design Requirements.**

1. **Mixed-Use Corridor Development - Specific Design Regulations.** Mixed-Use that is vertically integrated into one (1) 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.

- a. 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.



*Combining Residential and Commercial Entrances*

- b. 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 MC 9.08.100 (Lighting).
- c. 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 the development. Recycling and refuse storage facilities for nonresidential uses shall be compatible in architectural design and details with the overall project.

## **C. New Streets and Pathways Regulations.**

1. **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.

- a. 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.

2. **Pedestrian-Oriented Design/Pedestrian Access.** The design of new projects shall promote walkability and connectivity to include design and orientation standards such as:

- a. 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.
- b. Internal Pedestrian Walkways Width. Internal walkways shall be a minimum of six (6) feet wide adjacent to any common open space areas. Internal walkways elsewhere on the property shall be a minimum of four (4) feet wide and paved with permeable materials, unless walkways are located near swimming pools or in heavily trafficked areas.
- c. Lighting. Lighting shall be incorporated along sidewalks or other pedestrian walkways to enhance the pedestrian environment and provide for public safety. Lighting shall be low mounted, downward casting to reduce light trespass onto adjacent properties, and shall be consistent with all provisions of MC 9.08.100 (Lighting).
- d. Connections to Primary Street. Connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the primary entry and sidewalk, generally no more than one hundred twenty-five (125) percent of the straight-line distance.

#### **D. Center Mixed Use (CEMU)**

1. **Purpose and Intent.** This designation provides for the redevelopment of existing commercial centers and adjacent uses to complement existing development at prominent entry points into the community. The Centers are envisioned as integrated, pedestrian-oriented places with a mix of uses including retail, dining, entertainment, offices, lodging, recreational and cultural facilities that cater to both motorists passing through and residents of surrounding neighborhoods. It is expected that the Moreno Valley Mall at Towngate and commercial areas at the Festival Specific Plan (SP205) will have opportunities to incorporate higher-density housing on-site to support the vitality of commercial uses and activate the areas.
2. **Applicability.** The Center Mixed Use zone is located entirely within the existing extent of adopted Specific Plans: the Towngate Specific Plan (SP200) and the commercial areas of Festival Specific Plan (SP 205), known as “The District.” The permitted uses of the underlying Specific Plan shall apply except that multi-family residential use (20 to 35 dwelling units per acre) is additionally permitted within the Moreno Valley Mall Planning Area (CEMU – SP200 on the City’s Zoning Map) of the Towngate Specific Plan, and within the areas identified as CEMU (CEMU - SP205 on the City’s Zoning Map) within the Festival Specific Plan (SP 205) in conjunction with a mixed use project. It is expected that a Specific Plan amendment will be completed for any mixed use project within the CEMU. However, a master plot plan may be used to determine the standards for the mixed use project if the Community Development Director finds that the project is consistent with the spirit and intent of the Center Mixed Use General Plan designation.
3. **Property Development Standards.** The Center Mixed Use (CEMU) zone applies primarily to the mall site within the Towngate Specific Plan (SP200) and commercial areas of the Festival Specific Plan (SP205), known as “The District.” The maximum permitted FAR in the CEMU designation is 1.25 with a residential range of 20 to 35 dwelling units per acre. On smaller parcels, additional FAR may be permitted to achieve the desired vision of the area. The underlying standards of the applicable Specific Plan will otherwise apply.

**E. Highway/Office Commercial (H/OC)**

**1. Purpose and Intent.** The Highway Office/Commercial (H-OC) zone is envisioned as a gateway to Moreno Valley and from the I-60 Freeway with primary entrances at Moreno Beach Drive and the World Logistics Center Parkway. The zone provides opportunities for distinctive employment or educational campuses. Permitted uses include office, educational, and/or research and development facilities as well as auxiliary commercial uses including restaurants, retail, and service uses. The architectural style should reinforce the rural character intended for the surrounding area.

**2. Applicability.** The Highway Office/Commercial (H-OC) District applies primarily to parcels between Moreno Beach Drive and World Logistics Center Parkway fronting the I-60 Freeway on the north side, and south of Hemlock Avenue. This zone serves as a major gateway to the City of Moreno Valley from the east.

**3. Special Requirements.** Implementation will require review and consideration of the applicable sections of the Land Use and Community Character (LUCC) Element, and conformance with the policies applicable to the Highway Office/Commercial (H-OC) designation.

**4. Site Development Standards.**

**General Requirements.** The following table sets forth minimum site development standards for Highway Office/Commercial zone development projects. In addition, projects must comply with the special requirements enumerated in subsection B.3, the performance standards included in Chapter 9.10, and other applicable ordinances, policies, and programs. Parking and Loading The parking standards in MC 9.11.040 off-street parking requirements shall apply.

**Highway Office/Commercial (HOC): DEVELOPMENT STANDARDS**

Requirement	Development Standards
<u>Minimum Site Area</u>	<u>Office/Commercial Uses minimum 20,000 sq. ft.</u>
<u>Minimum site width, in feet</u>	<u>100</u>
<u>Minimum Site Depth, in feet</u>	<u>100</u>
<u>Front Building Setback, in feet (after dedications for right-of-way)</u>	<u>20 (Building areas above thirty (30) feet shall be set back an additional five feet for every 10 feet of additional structure height unless otherwise approved by the planning commission.)</u>
<u>Side street building setback area, in feet (after dedications for right-of-way)</u>	<u>10 (Building areas above thirty (30) feet shall be set back an additional five feet for every 10 feet of additional structure height unless otherwise approved by the planning commission.)</u>
<u>Lot coverage, maximum</u>	<u>60%</u>
<u>Floor Area Ratios (FAR)</u>	<u>0.4 On smaller parcels, additional FAR may be permitted to achieve the desired vision for the area.</u>
<u>Building height, in feet, maximum</u>	<u>Up to 45 feet</u>
<u>Parking front street setback, in feet (after dedications for right-of-way)</u>	<u>20</u>

<u>Parking side street setback, in feet (after dedications for right-of-way)</u>	<u>15</u>
<u>Setback Landscaping</u>	<u>All setbacks exclusive of required walkways and driveways will be landscaped planting areas.</u>

**9.07.030 Public district (P).**

A. Purpose and Intent. The primary purpose of the public district is to provide for the conduct of public and institutional activities, including providing protected designated areas for public and institutional facilities.

B. Property Development Standards. The following regulations shall apply to all land and buildings and structures located within the public district:

1. General Requirements. The following sets forth minimum site development standards for public district development projects. In addition, projects shall comply with the special requirements enumerated in subsection (B)(2) of this section, the performance standards included in Chapter [9.10](#) and other applicable city ordinances and policies.

**Property Development Standards General Requirements Table 9.07.030-9**

	<b>Requirement</b>	<b>Standard</b>
a.	Minimum site area	1 acre
b.	Minimum site width	160 feet
c.	Minimum site depth	160 feet
d.	Minimum front building setback	30 feet
e.	Minimum side building setback	25 feet
f.	Minimum street side building setback	30 feet
g.	Minimum rear building setback	25 feet
h.	Building height (maximum)	35 feet
i.	Building coverage (maximum)	45%

2. Special Requirements.

- a. Wherever a lot in any public district abuts a lot in any residential district, a minimum building setback of fifty (50) feet shall be required. A minimum of twenty (20) feet of the setback area nearest the district boundary line shall be landscaped and the remaining area may be used for required off-street parking.
- b. Where off-street parking areas are situated such that they are visible from any street, screening in the form of a decorative wall, shrubs, or landscaped earthen berm three feet in height shall be

erected between the required landscape area and the parking area to adequately screen said parking.

- c. Where off-street parking areas are situated such that they are visible from any street, screening in the form of a decorative wall, shrubs, or landscaped earthen berm three feet in height shall be erected between the required landscape area and the parking area to adequately screen said parking.
- d. Required front setback areas shall be landscaped.
- e. Except as otherwise permitted, a street side building setback area shall be used only for landscaping, pedestrian walkways, driveways or off-street parking.
- f. Except as otherwise permitted, required rear and interior side building setback areas shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.
- g. Where off-street parking is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

C. Permitted Public Use. For the public district (P), unless otherwise provided in this title, permitted uses are those described in the permitted uses Table 9.02.020-1 in Section [9.02.020](#) of this title. (Ord. 643 § 2.3, 2003; Ord. 616 § 2.2.6, 2003; Ord. 359, 1992)

#### **9.07.040 Medical use overlay district (MUO).**

A. Purpose and Intent. The primary purpose of the medical use overlay district is to implement the general plan concept of creating a medical corridor by limiting land uses to those that are supportive of and compatible with the city's two existing hospitals. The specific purposes of the medical use overlay (MUO) district are to create and maintain a diversity of medical and supportive uses in the vicinity of the Riverside County Regional Medical Center and the Moreno Valley Community Hospital by:

- 1. Providing a range of appropriately located office and commercial uses consistent with the general plan, and
- 2. Ensuring that the appearance and impacts of office and supportive commercial uses are harmonious with the character of the area in which they are located.

B. Applicability. The medical use overlay district shall be combined with any underlying basic district. The provisions of the medical use overlay district under this section shall apply in addition to and, to the extent they are inconsistent, in lieu of the corresponding provisions of the underlying district with which the medical use overlay district is combined.

C. Zoning Map Designation. The medical use overlay district shall be designated on the zoning map by the symbol "MUO."

D. Development Standards.

1. For property with an underlying zoning of office and office commercial, the permitted uses (Permitted Uses Table 9.02.020-1) and development standards (Chapter [9.04](#)) of the office commercial designation shall apply. In addition to the uses already permitted or conditionally permitted in the office commercial zoning, the following uses shall be permitted without a conditional use permit in order to facilitate the purposes of the overlay district:

- a. Ambulance service;

- b. Apparel for medical professions (retail);
  - c. Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices;
  - d. Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory equipment;
  - e. Personal services, excluding tattoo parlors.
2. For property with underlying zoning of neighborhood commercial and community commercial, the permitted uses of the underlying zoning shall apply with the following exceptions:
- a. Automobile, motorcycle, truck recreational vehicle and boat sales and incidental minor repairs and accessory installations;
  - b. Auto service stations;
  - c. Automotive, boat, motorcycle and RV repair—Minor—Includes brake, muffler and tire installation and repair;
  - d. Automotive paint and body repair—Major engine overhaul;
  - e. Auto rentals;
  - f. Auto supply stores;
  - g. Boat sales, new and used, including repairs and accessory installation;
  - h. Car wash;
  - i. Convenience stores with or without drive-through;
  - j. Convenience stores with alcohol sales;
  - k. Escort services;
  - l. Fortunetelling;
  - m. Gasoline dispensing (non-retail accessory to an auto-related use);
  - n. Gun shops;
  - o. Kennels and catteries;
  - p. Liquor stores;
  - q. Pawnshops;
  - r. Pool hall;
  - s. Racetracks;
  - t. Storage lots and mini-warehouses. (Ord. 726 § 4.5, 2006; Ord. 694 § 1.1, 2005; Ord. 475 § 1.4, 1995; Ord. 359, 1992)

**9.07.060 Airport Land Use Compatibility Plan ~~Air installation compatibility use overlay district (AICUZ).~~**

- A. ~~Purpose and Intent. It is the intent and purpose of this air installation compatibility use overlay (AICUZ overlay) district to limit public exposure to aircraft accidents and noise and to encourage future development that is compatible with the continued operation of March Air Force Base. It is also the intent~~

of the AICUZ overlay to recognize and implement the purpose for the guidelines contained in the March Air Force Base air installation compatible use zone report.

- B. ~~Applicability. The AICUZ overlay district shall apply within the accident potential zone I and II as depicted on the official zoning atlas. The provisions of the AICUZ overlay shall apply in addition to the provisions of the underlying district. If there are inconsistencies between the underlying zone and the AICUZ overlay, the AICUZ overlay shall take precedence.~~
- C. ~~Development Standards. Setbacks and other site development standards shall be those of the underlying zoning district.~~
- D. ~~Use Regulations.~~
1. ~~Unless identified as a permitted use within the underlying district in accordance with Table 9.02.020-1, a use within the AICUZ overlay shall be subject to approval of a conditional use permit.~~
  2. ~~Notwithstanding the provisions of the permitted uses table (Table 9.02.020-1), the following uses shall be prohibited in the AICUZ overlay district:~~
    - a. ~~Uses that involve high density public assembly, including concert halls, club houses, churches, amusement areas, passenger terminals, restaurants, nightclubs and similar uses in accordance with the most current air installation compatible use zone report as of the date of the application to establish any such use.~~
    - b. ~~Single and multiple family dwellings, hotels, motels, rest/retirement homes and other residential uses;~~
    - c. ~~Schools, hospitals and day care facilities;~~
    - d. ~~Landfills;~~
    - e. ~~Hazardous waste facilities;~~
    - f. ~~Supermarkets, department stores, swap meets, membership warehouse stores;~~
    - g. ~~Gas stations (automobile service stations);~~
    - h. ~~Manufacturing (general) as defined in this title;~~
    - i. ~~Resource production and extraction. — E. — Evaluation Criteria.~~
      1. ~~Development within the AICUZ overlay district shall avoid uses which concentrate large numbers of people; are noise sensitive; create hazards to aircraft operations; pose special health and safety hazards in the event of an aircraft accident; or involve public facilities and utilities for which disruption would have an adverse impact on large numbers of people. The current March Air Force Base air installation compatible use zone report, referenced in subsection (D)(2)(a) of this section and any amendments thereto which are adopted as amendments to this code, shall be used as a guideline(s) in the evaluation of land uses within the AICUZ overlay district.~~
      2. ~~Appropriate conditions shall be applied to each project to mitigate flight and safety hazards, excessive noise levels and other public safety or welfare concerns. Such conditions shall include a requirement that the property owner(s) grant a navigation easement to the city of Moreno Valley and the March Inland Port Airport Authority in the form and manner approved by the grantees and shall cause such easement to be recorded in the office of the county recorder. (Ord. 604 §§ 2.6, 2.7, 2002; Ord. 393 § 1.7, 1993; Ord. 359, 1992)~~

### 9.07.060 Airport Land Use Compatibility Plan

A. Purpose and Intent. The purpose of this chapter is to establish and implement the requirements of the Riverside County Airport Land Use Compatibility Plan (ALUCP) for the March Air Reserve Base/Inland Port Airport that affects land uses within the City of Moreno Valley and to encourage future development that is compatible with the continued operation of March Air Reserve Base. It is also the intent of the ALUCP to recognize and implement the purpose for the guidelines contained in the March Air Reserve Base air installation compatible use zone report.

B. Applicability. The provisions of the ALUCP shall apply in addition to the provisions of the underlying district. If there are inconsistencies between the underlying zone and the ALUCP, the ALUCP shall take precedence.

C. Airport Land Use Commission (ALUC).

1. The purpose of an Airport Land Use Commission (ALUC) is to conduct airport land use compatibility planning in order to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports. The statutes governing ALUCs are set forth in Division 9, Part 1, Chapter 4, Article 3.5, Sections 21670—21679.5 of the California Public Utilities Code (PUC).

2. The Riverside County Airport Land Use Commission has two principal duties, which include:

a. Preparing and adopting the ALUCP;

b. Reviewing plans, regulations, and other actions of local agencies, and airport operators to ensure consistency with the RCALUCP.

D. Airport Land Use Compatibility Plan (ALUCP). The Airport Land Use Compatibility Plan (ALUCP) is a State-required, long-range master plan that reflects the anticipated growth of an airport over a 20-year time period. State law requires general and specific plans to be consistent with any ALUCP affecting the City. The requirements are established to limit noise impacts on noise-sensitive uses and to protect and preserve airports and aviation safety, as well as public safety, from aviation-related hazards.

The Riverside County Airport Land Use Compatibility Plan (RCALUCP), designates zones of airport influence areas for 13 airports in Riverside County, and provides a series of policies and compatibility criteria to ensure that both aviation uses, and surrounding areas may continue, and are compatible. In 2014, the ALUC adopted the March Air Reserve Base/Inland Port Airport Compatibility Plan which includes compatibility criteria and maps for influence areas of the March Air Reserve Base/Inland Port Airport.

The RCALUCP establishes specific criteria for each of the airport compatibility zones described in this chapter. For property located within a compatibility zone and subject to airport land use compatibility plan policies and criteria, the ALUCP may be more restrictive than what would otherwise be allowed per City zoning designation applicable to the property. In addition to complying with the zoning requirements of this title, proposed uses and development on property within an airport compatibility zone must be



determined to be consistent with, and comply with the compatibility criteria of the applicable compatibility zone and airport land use compatibility plan.

E. Actions which require ALUC Review. As required by State law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the applicable Airport Land Use Compatibility Plan prior to approval by the City.

1. The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (Public Utilities Code Section 21676(b)).

2. The adoption or approval of a zoning ordinance or building regulation which affects property within an airport influence area, and involves the types of airport impact concerns listed in Section 1.4 of the March ALUCP (Public Utilities Code Section 21676(b)). These are impacts related to:

- a. Exposure to aircraft noise;
- b. Land use safety with respect both to people on the ground and the occupants of aircraft;
- c. Protection of airport airspace; and
- d. General concerns related to aircraft overflights.

3. Adoption or modification of a master plan for an existing public-use airport (Public Utilities Code Section 21676(c)).

4. Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the State of California (Public Utilities Code Section 21664.5).

5. Any proposal for a new airport or heliport whether for public use or private use if the facility requires a State airport permit (Public Utilities Code Section 21661.5).

F. Other land use actions subject to ALUC Review. In addition to the above types of land use actions for which ALUC review is mandatory, other types of land use actions are subject to review under the circumstances described in Section 1.5 of Chapter 2 Countywide Policies of the Riverside County Airport Land Use Compatibility Plan.

G. Timing of ALUC Review. Proposed projects requiring ALUC review should be submitted to ALUC as early in the process as possible so that the Commission's (or ALUC Executive Director's) review can be considered by the City before taking formal action on a project. The timing may vary depending upon the nature of the specific project. However, all projects requiring ALUC review must be submitted to ALUC for review prior to final approval by the City.

H. Actions not subject to ALUC Review—City ALUCP Compatibility Review. For discretionary actions on property within an airport influence area and compatibility zone, but which are not subject to ALUC review as described in Sections E - G above, the City shall review such action for consistency with the applicable ALUCP, and make a finding of project consistency or inconsistency with the applicable airport compatibility plan based on the basic land use compatibility criteria described below. Where there is uncertainty with regard to compatibility of a proposed use or project with the applicable airport land use compatibility plan, the City shall consult with ALUC staff, or defer such matter to ALUC for a consistency determination.

I. Compatibility zones and criteria for March Air Reserve Base/Inland Port Airport. For uses proposed within airport influence areas of the March Air Reserve Base/Inland Port Airport, refer to the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (March ALUCP) to determine whether a particular use is compatible with the applicable airport and a permissible use.

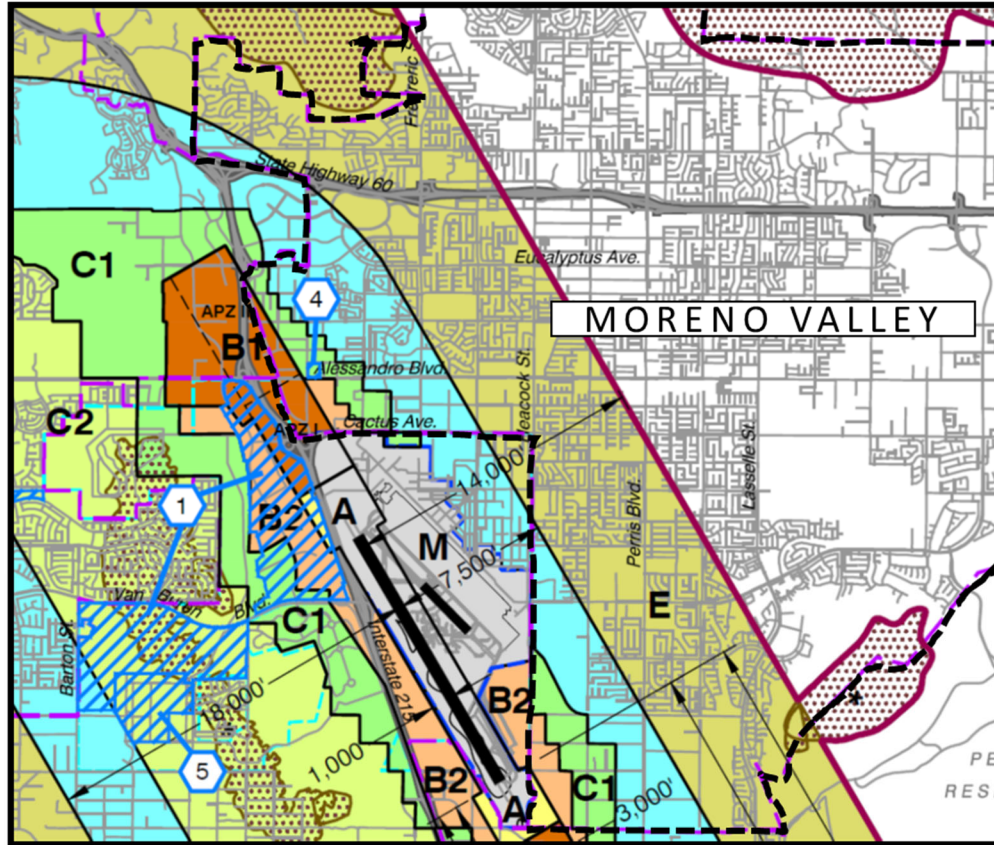
1. Airport Compatibility Zones. The 2014 March ALUCP establishes eight separate Compatibility Zones for March Air Reserve Base/Inland Port Airport. A general description of each compatibility zone is provided in the following table.

Table 9.07.060.I.1 - March Air Reserve Base/Inland Port Airport Compatibility Zones

<u>Compatibility Zones</u>	<u>Description</u>
<u>M</u>	<u>Military</u>
<u>A</u>	<u>Clear Zone</u>
<u>B1</u>	<u>Inner Approach/Departure Zone</u>
<u>B2</u>	<u>High Noise Zone</u>
<u>C1</u>	<u>Primary Approach/Departure Zone</u>
<u>C2</u>	<u>Flight Corridor Zone</u>
<u>D</u>	<u>Flight Corridor Buffer</u>
<u>E</u>	<u>Other Airport Environs</u>

2. The Compatibility Zones for the March Air Reserve Base/Inland Port Airport are established per Map MA-1 within Volume 1 of the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan.

The safety zone boundaries, shown in the map below are consistent with the adopted 2014 Riverside County Airport Land Use Compatibility Plan and 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan.



3. Land use compatibility criteria for March Air Reserve Base/March Inland Port Airport. The criteria for assessing whether a project is compatible with the March ARB/IPA are set forth in the Compatibility Zone Factors matrix, Table MA-1 within Volume 1 of the March ALUCP, within Chapter 3 of the Riverside County Airport Land Use Compatibility Plan, or as amended. These criteria are to be used in conjunction with the compatibility map and policies for the March ARB/IPA as presented in Chapter 3 of the Riverside County ALUCP, or as amended. The basic compatibility criteria listed in Table 2A of Chapter 2 of the Riverside County ALUCP does not apply to the environs of March ARB/IPA.

4. Accident Potential Zones (APZ's). In addition to the compatibility zones described above, Map MA-1 within Volume 1 of the March ALUCP identifies two Accident Potential Zones (APZ's I and II) for the March Air Reserve Base/Inland Port Airport. The Department of Defense (DoD) Air Force Instruction AFI 32-7063 - December 18, 2015 describes Clear Zones, and APZ's as areas off the end of DOD runways that were developed based on past Air Force aircraft accidents and reflect land areas at greater risk of an aircraft accident. The Clear Zone and the APZs represent areas where an accident is most likely to occur, if one would occur; however, they are not predictors of accidents. More specifically, the Clear Zone, and Accident Potential Zones (APZ's) are defined as follows:

- a. The Clear Zone begins at the end of the runway and is the area of highest accident potential; it has few uses that are compatible.
- b. APZ I lies beyond the Clear Zone [and] is in area of lower but still considerable accident potential.
- c. APZ II is beyond APZ I and possesses less accident potential.

5. Department of Defense Requirements for March Air Reserve Base/Inland Port Airport Accident Potential Zones (APZ's). For discretionary actions proposed within March ARB/IPA Accident Potential

Zones (APZ I & II) or within the Clear Zone, the proposed use and/or development shall, in addition to meeting the compatibility criteria of the March ALUCP, be consistent with current Air Force Guidance including:

- a. Department of Defense Instruction 4165.57 for Air Installations Compatible Use Zones, March 12, 2015, or as amended, and
- b. Air Force Instruction AFI 32-7063 for Air Installations Compatible Use Zones Program, December 18, 2015, or as amended. Specifically AFI 32-7063, Table A.2.1 of Attachment 2 - Land Use Compatibility Recommendations for APZS, generally identifies land uses acceptable or not acceptable within the Clear Zone, APZ I, and APZ II, and establishes maximum residential density, or nonresidential floor area ratio requirements applicable to each use and APZ.
- c. Where a discretionary action is proposed within an APZ, or Clear Zone, the Department of the Air Force, 452d Air Mobility Wing (AFRC) March Air Reserve Base shall be consulted to determine whether the proposed discretionary action is consistent with the Air Force Guidance referenced above. Such consultation would be in addition to, and shall not be in lieu of requirements of the March ALUCP, or any review for airport land use compatibility that may be required by the Riverside County ALUC.

J. Override Procedures. When ALUC disapproves or finds an action, regulation, or permit, to be inconsistent with the ALUCP, ALUC shall notify the City within 30 days of such action pursuant to Public Utilities Code (PUC) 21675.1(d). The City Council may overrule ALUC decision, by a two-thirds vote and shall make specific findings that the proposed action, regulation, or permit is consistent with the purposes of Article 3.5, as stated in Section 21670 of the PUC.

A City Council proposed overrule of an ALUC action must provide a copy of the proposed decision and findings to both ALUC and the California Division of Aeronautics, a minimum of 45 days' prior to the decision to overrule ALUC. These agencies have 30 days in which to provide comments to City Council pursuant to PUC Sections 21676(a) and (b).

#### **9.07.080 Primary animal keeping overlay (PAKO).**

A. Purpose and Intent. The primary purpose of the primary animal keeping overlay district is to maintain animal keeping and the rural character of the areas noted within the overlay district and designate a portion of the parcel for medium and large animal keeping.

B. Applicability. The primary animal keeping overlay (PAKO) district and standards shall apply to animal keeping activities in the RR (rural residential), R1 (residential-1) and RA2 (residential agricultural-2) land use districts only within an area bounded by Nason Street to the west, Theodore Street to the east, the city limit line to the north and Cottonwood Avenue to the south.

C. Zoning Map Designation. The primary animal keeping overlay district shall be designated on the zoning map by the symbol "PAKO."

D. Development Standards.

1. Lots within the designated animal keeping overlay district shall include a primary animal keeping area (PAKA) of three thousand (3,000) square feet. The PAKA may be located in the rear, side or front yard, subject to the standards within this section. PAKAs within the front yard will only be allowed when the main habitable structure maintains a minimum setback of seventy-five (75) feet

from the front property line. PAKAs on individual lots shall be grouped together and placed immediately adjacent to those located on an adjoining lot. If unique site constraints exist on a lot, the PAKA may be located on another portion of the lot as approved by the community and economic development director.

2. No non-animal related structures shall be allowed in the PAKA. Animal-related structures located within the PAKA shall not exceed forty (40) percent of the PAKA.
3. A dedicated primary animal keeping area (PAKA) shall be recorded on each newly created lot and included within the project CC&Rs if applicable.
4. All PAKAs shall have a twenty (20) foot minimum setback from any habitable structure.
5. All PAKAs shall be located on flat usable land with a slope no greater than four percent.
6. A minimum width of fifteen (15) feet shall be provided for vehicle access on one side of the lot, with clear access to the PAKA.
7. PAKAs that are developed at a lower or higher grade than the residence pad shall include an access ramp with a slope no greater than twenty-five (25) percent, and a minimum travel width of twelve (12) feet.
8. Lots within the PAKO shall adhere to the minimum lot standards within the underlying zoning district, including planned unit developments (PUDs).
9. Developments within the PAKO shall include feeder trails on one side of the street.
10. The above standards only apply to newly created residential subdivisions within the primary animal keeping overlay (PAKO) district. Specific primary animal keeping areas (PAKAs) shall be designated on all tentative maps and recorded on all final subdivision maps. (Ord. 731 § 3.2, 2007)

### 9.07.090 Mixed-Use Overlay Districts

#### 9.07.091 Purpose and intent.

A. Purpose. The purpose of this chapter to provide regulations that implement the goals and policies of the general plan, the Alessandro Boulevard Corridor Vision Plan (accepted by the Moreno Valley City Council on June 30, 2010), and other similar long-range planning documents aimed at encouraging mixed-use development within the city.

B. Intent. The mixed-use overlay districts are intended to:

1. Stimulate economic development and reinvestment through regulations based upon recognized urban design principles that allow property owners to respond with flexibility to market forces;
2. Create specific development nodes at street intersections with a pedestrian-oriented mix of uses with convenient access between area neighborhoods, housing, employment centers, and retail services;
3. Accommodate intensities and patterns of development that can support multiple modes of transportation including public transit, bicycles, and walking;
4. Facilitate well-designed new mixed-use development projects that combine residential and nonresidential uses (e.g., office, retail, business services, personal services, public spaces and uses, other community amenities, etc.) to promote a better balance of jobs and housing;

5. Ensure compatibility with adjacent existing single-family neighborhoods and harmonious integration with existing commercial areas;
6. Encourage the development of unique district character through a streetscape that provides attractive features (e.g., landscaping, street furniture, niche or linear parks, public places, courtyards, public transportation shelters, etc.) designed to integrate the public realm (e.g., streets, sidewalks, etc.) with adjacent development on private property; and
7. Provide additional property rights while preserving existing property rights. This intent is achieved by providing additional development rights in compliance with this chapter, which property owners may exercise under certain conditions, while retaining all development rights conferred by the underlying district to property owners in the mixed-use overlay districts. Incentives and advantages include allowing a greater range and mix of uses; more permissive dimensional specifications (e.g., greater floor area ratio, lot coverage ratio, and height; reduced setbacks; etc.); exemption from certain design review requirements; and fee reductions or waivers. (Ord. 864 § 3.3, 2013)

#### **9.07.092 Applicability.**

This section describes the applicability of mixed-use overlay district standards to a property when the property is located within two districts – a base district (e.g., commercial (C), office (O), business park/light industrial (BP), etc.) and a mixed-use overlay district.

A. Relationship Between Overlay District Standards and Base District Standards. For property within a mixed-use overlay district, the regulations in this chapter allow mixed-use development as an alternative to the type of development allowed under the base (underlying) district standards.

##### B. Base District Standards.

1. The provisions in this chapter shall apply to all properties within their respective mixed-use overlay districts, but the provisions do not supersede the underlying base district provisions until a property is developed in compliance with the provisions of this chapter.
2. New projects may be developed in compliance with the existing underlying base district, provided that all standards and requirements of the underlying base district are met.
3. Regulations, development standards, and requirements in the underlying base district shall continue to apply to those projects that are currently developed according to the existing standards.
4. For legal nonconforming uses (i.e., uses that do not comply with the provisions of the base district or this chapter), the provisions in Section [9.02.180](#) (Legal nonconforming uses, improvements, and parcels) shall apply.

##### C. Option to Apply Mixed-Use Overlay District Standards.

1. The owner or developer of any property within any mixed-use overlay district may choose to develop in compliance with the standards and procedures in this chapter that apply to the particular mixed-use overlay district in which the property is located.
2. In order to exercise the option to develop under the provisions in this chapter, approval of a development review application shall be required in compliance with Section [9.02.030](#) (Development review process). In granting the approval, the review authority shall find that:
  - a. The proposed development is in compliance with the provisions in this chapter; and

- b. Approval of the project will not reduce the amount of land available in mixed-use overlay zone areas to a point where the city’s affordable housing needs under the Regional Housing Needs Assessment (RHNA) cannot be met.
- D. Other Applicable Regulations. Other applicable regulations can be found in Section [9.09.250](#) (Live-work development) and Section [9.09.260](#) (Mixed-use development).
- E. Applicable Regulations After Completion of Development. Once a property is developed in compliance with the provisions in this chapter, the provisions of this chapter completely supersede the provisions of the underlying base district. Whenever the requirements of the overlay district impose a more or less restrictive standard than the provisions of the underlying base district, the requirements of the overlay district shall govern.
- F. Use of Photographs. Photographs and illustrations are included in this chapter for illustrative purposes only. Specific development standards in this chapter are the controlling language for purposes of development regulation. (Ord. 864 § 3.3, 2013)

### **9.07.093 Purposes of mixed-use overlay districts.**

This section describes the purpose and intent of each mixed-use overlay district.

- A. Mixed-Use Institutional Anchor (MUI) Overlay District. The mixed-use institutional anchor (MUI) overlay district applies to areas around prominent anchor institutions, such as civic centers, medical centers, and educational campuses. The intent is to build upon the role of the institutions by providing opportunities for urban, high-intensity development that serves the needs of visitors, employees, and residents affiliated with the anchor institution and the surrounding region. Development is allowed up to five stories in height with building frontages near or at the sidewalk, wide sidewalks, and parking under or behind buildings. Vertical mixed-use development (ground-floor retail with offices or housing above) is required at important street intersections. Horizontally-integrated or vertically-integrated mixed-use development, with no requirement for ground-floor retail, is allowed in other locations. The overlay district name may be expanded to include the name of the type of anchor institution (e.g., “MUI—Medical Center”). See Figure 9.07.093-1 (Examples of Development in Mixed-Use Institutional Anchor (MUI) Overlay District).
- B. Mixed-Use Community (MUC) Overlay District. The mixed-use community (MUC) overlay district applies to areas along major arterials and arterials. The intent is to provide opportunities for the development of pedestrian-oriented blocks with medium-intense development that serves the needs of residents, visitors, and employees from the surrounding community. Development is allowed up to four stories in height with building frontages near or at the sidewalk, wide sidewalks, and parking under or behind buildings. Vertical mixed-use development (ground-floor retail with offices or housing above) is required at important street intersections. Horizontally-integrated or vertically-integrated mixed-use development, with no requirement for ground-floor retail, is allowed in other locations. The overlay district name may be expanded to include the community name (e.g., “MUC—East Alessandro”). See Figure 9.07.093-2 (Examples of Development in Mixed-Use Community (MUC) Overlay District).
- C. Mixed-Use Neighborhood (MUN) Overlay District. The mixed-use neighborhood (MUN) overlay district applies to areas along arterials and minor arterials. The intent is to provide an area for low-rise mixed-use development that serves the needs of residents, visitors, and employees from the surrounding immediate neighborhood. Development is allowed up to three stories in height with building

frontages near or at the sidewalk, wide sidewalks, and parking under or behind buildings. Vertical mixed-use development (ground-floor retail with offices or housing above) is required at important street intersections. Horizontally-integrated or vertically-integrated mixed-use development, with no requirement for ground-floor retail, is allowed in other locations. The overlay district name may be expanded to include the neighborhood name (e.g., “MUN—Lasselle Crossing”). See Figure 9.07.093-3 (Examples of Development in MixedUse Neighborhood (MUN) Overlay District).



Figure 9.07.093-1 Examples of Development in Mixed-Use Institutional Anchor (MUI) Overlay District



**Figure 9.07.093-2**  
**Examples of Development in Mixed-Use Community (MUC) Overlay District**



Figure 9.07.093-3  
Examples of Development in Mixed-Use Neighborhood (MUN) Overlay District



(Ord. 864 § 3.3, 2013)

### 9.07.094 Permitted uses in mixed-use overlay districts.

For the mixed-use overlay districts, unless otherwise expressly provided in this title, permitted uses are limited to those described in Table 9.02.020-1 in Section [9.02.020](#) (Permitted uses) of this title. Any use not listed in Table 9.02.020-1 as a permitted use, conditional use, or accessory use shall be prohibited. (Ord. 864 § 3.3, 2013)

### 9.07.095 Mixed-use overlay district site development standards.

This section provides standards that govern development on properties located in the mixed-use overlay districts. See Table 9.07.095-10 (Mixed-Use Overlay District Development Standards) and related illustrations. For the purpose of this title, mixed-use projects shall comply with nonresidential standards when no mixed-use standards exist.

Table 9.07.095-10  
Mixed-Use Overlay District Development Standards

Development Features	MUI	MUC	MUN
<b>Density Standards</b>	Maximum density for residential uses expressed as dwelling units per net acre. See § <a href="#">9.08.060</a> (Development density).		
Residential Uses	40 du/ac	30 du/ac	30 du/ac
<b>Intensity Standards</b>	Maximum floor area ratio (FAR) for nonresidential uses.		
Nonresidential Uses (1)	1.0 (less than 50% residential) 1.25 (greater than 50% residential)	1.0	1.0
<b>Block Standards</b>	Maximum dimensions required for each newly created block as measured from edge of right-of-way line. See “Block” in § <a href="#">9.15.030</a> (Definitions). See Figure 9.07.095-4.		
Block Length (A)	600 ft (max)	500 ft (max)	500 ft (max)
Block Perimeter (B)	1,800 ft	1,600 ft	1,500 ft
<b>Building Placement Standards</b>			
<b>Build-to-Zone</b>	The area between the minimum and maximum setbacks within which the principal building’s front façade (building façade line) is to be located. See “Build-to-Zone” in § <a href="#">9.15.030</a> (Definitions). See Figure 9.07.095-5.		

Front Along Alessandro Blvd. (C)	0 - 15 ft	0 - 10 ft	0 - 10 ft
Front All other streets (D)	0 - 15 ft	0 - 10 ft	0 - 10 ft
Street Side Setback (E)	0 - 15 ft	0 - 10 ft	0 - 10 ft
<b>Setback</b>	Minimum and maximum required setbacks. See § <a href="#">9.08.030</a> (Accessory structures) for allowed projections into setbacks. See Figure 9.07.095-6.		
Front Setback Along Alessandro Blvd. (F)	0 ft (min); 15 ft (max)	0 ft (min); 10 ft (max)	0 ft (min); 10 ft (max)
Front Setback All other streets (G)	0 ft (min); 15 ft (max)	0 ft (min); 10 ft (max)	0 ft (min); 10 ft (max)
Street Side Setback (H)	0 ft (min); 15 ft (max)	0 ft (min); 10 ft (max)	0 ft (min); 10 ft (max)
Interior Side Setback (2) (I)	5 ft (min); No max	5 ft (min); No max	5 ft (min); No max
Rear Setback (2) (J)	10 ft (min); No max	10 ft (min); No max	10 ft (min); No max
<b>Building Frontage Length</b>	% of building built to BTZ. See “Build-to-Zone” in § <a href="#">9.15.030</a> (Definitions). See Figure 9.07.095-7.		
Within 300 ft of street intersections (K)	65%	65%	65%
Over 300 ft from street intersections (L)	50%	50%	50%

Development Features	MUI	MUC	MUN
<b>Building Standards</b>	See “Underground Levels” and “Mezzanines/Lofts” in § <a href="#">9.15.030</a> (Definitions). See Figure 9.07.095-8.		
Number of Stories (3) (M)	5 max	4 max	3 max
Maximum Height (3) (N)	60 ft	55 ft	45 ft
Underground Levels (O)	Allowed	Allowed	Allowed
Mezzanines/Lofts (4) (P)	Allowed	Allowed	Allowed
<b>Building Frontage Types</b>	See § <a href="#">9.07.096</a> (Building frontage type standards).		

Along Alessandro Blvd. within 300 ft of intersections (Q)	Live-Work Office Storefront	Live-Work Office Residential Storefront	Live-Work Office Residential Storefront
Elsewhere (R)	Live-Work Office Residential Storefront	Live-Work Office Residential Storefront	Live-Work Office Residential Storefront
<b>Site Planning Standards</b>			
<b>Parking Standards</b>	See Ch. 9.11 (Parking, Pedestrian and Loading Requirements) and Figure 9.07.095-9.		
Surface Parking (S)	20 ft min setback from front lot line; 15 ft min setback from side lot line	20 ft min setback from front lot line; 15 ft min setback from side lot line	20 ft min setback from front lot line; 15 ft min setback from side lot line
Garage/Tuck-Under Parking (T)	Prohibited along front lot lines	Prohibited along front lot lines	Prohibited along front lot lines
Underground/Podium Parking (U)	Allowed beneath building footprint	Allowed beneath building footprint	Allowed beneath building footprint
Above-Ground Parking Structure (5) (V)	Allowed if screened from views from public right-of-way and adjacent singlefamily residential districts	Allowed if screened from views from public right-of-way and adjacent singlefamily residential districts	Allowed if screened from views from public right-of-way and adjacent singlefamily residential districts
<b>Open Space Standards</b>			
Publicly Accessible Open Space (nonresidential)	See § 9.07.097 (Open space standards—Publicly accessible open space).		
	15% of net lot area	10% of net lot area	10% of net lot area
Private Open Space (multifamily residential)	See § 9.07.098 (Open space standards—Private/common open space).		
1st floor	150 sq ft per unit	150 sq ft per unit	150 sq ft per unit
Upper floors	100 sq ft per unit	100 sq ft per unit	100 sq ft per unit
Common Open Space (multifamily residential)	300 sq ft per unit	300 sq ft per unit	300 sq ft per unit

Notes:

- (1) Podium and underground parking is not counted toward floor area ratio (FAR). Includes residential FAR.
- (2) Wherever a lot abuts a lot in any single-family residential district, a minimum setback equal to the building height, but not less than ten (10) feet shall be required.
- (3) Wherever a lot abuts a lot in any single-family residential district, a fifteen (15) foot upper story stepback is required for those portions of buildings that are above thirty (30) feet from finished grade.
- (4) Mezzanines and lofts shall not be counted as a floor if less than one-third of the unit's floor area.
- (5) Minimum interior depth of building liner space that wraps above-ground parking structures facing Alessandro Boulevard shall be thirty (30) feet from the building façade line, as defined in Section 9.15.030 (Definitions).

Figure 9.07.095-4 Block Standards

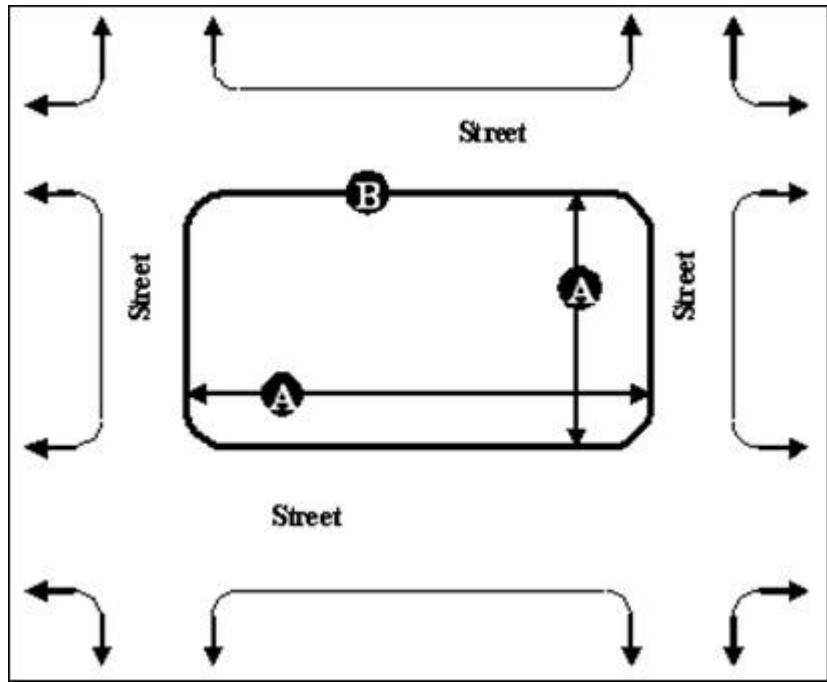


Figure 9.07.095-5  
Build-to-Zone Standards

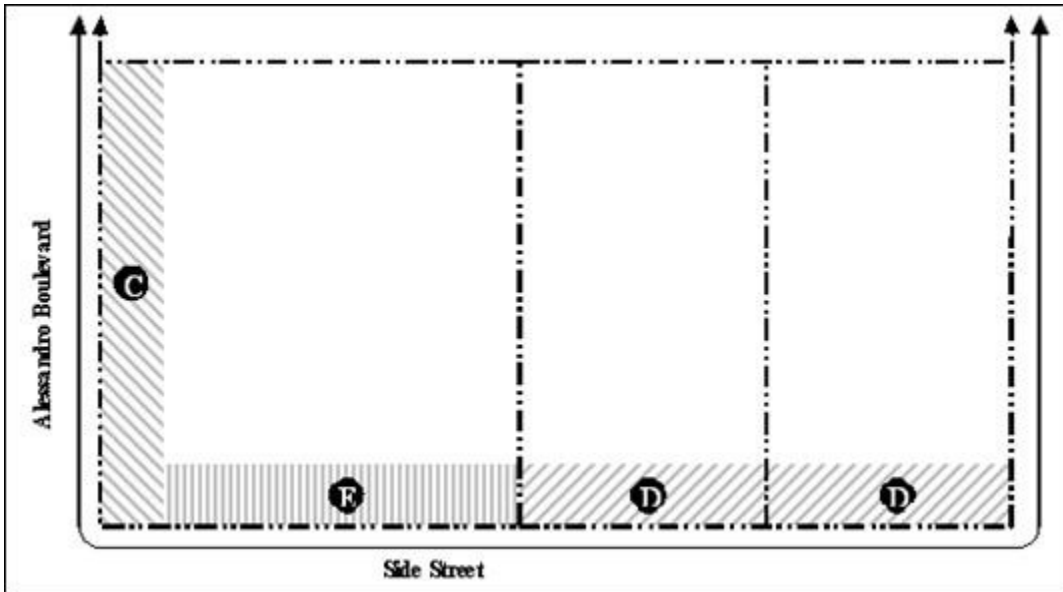


Figure 9.07.095-6  
Setback Standards

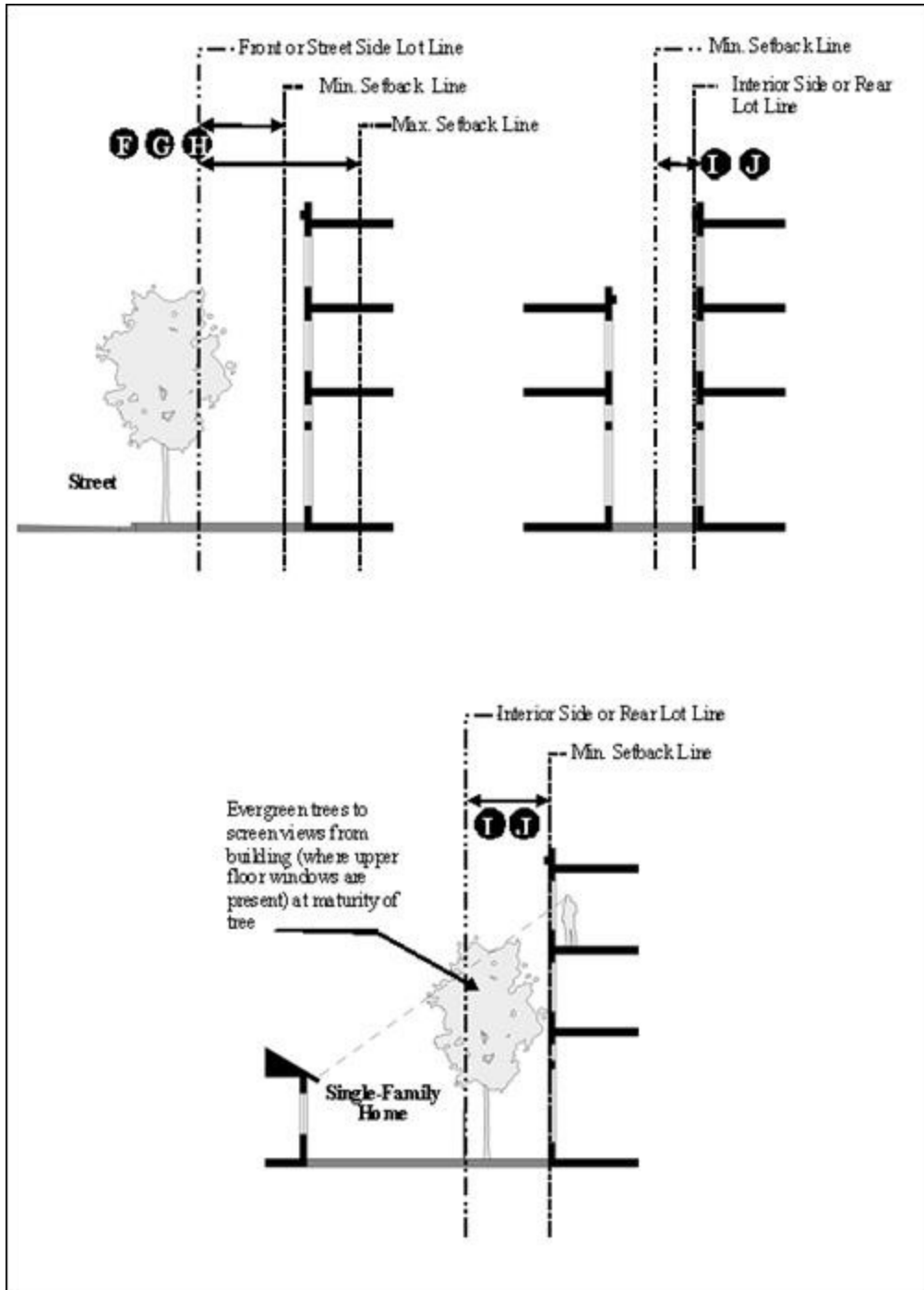




Figure 9.07.095-7  
Building Frontage Length

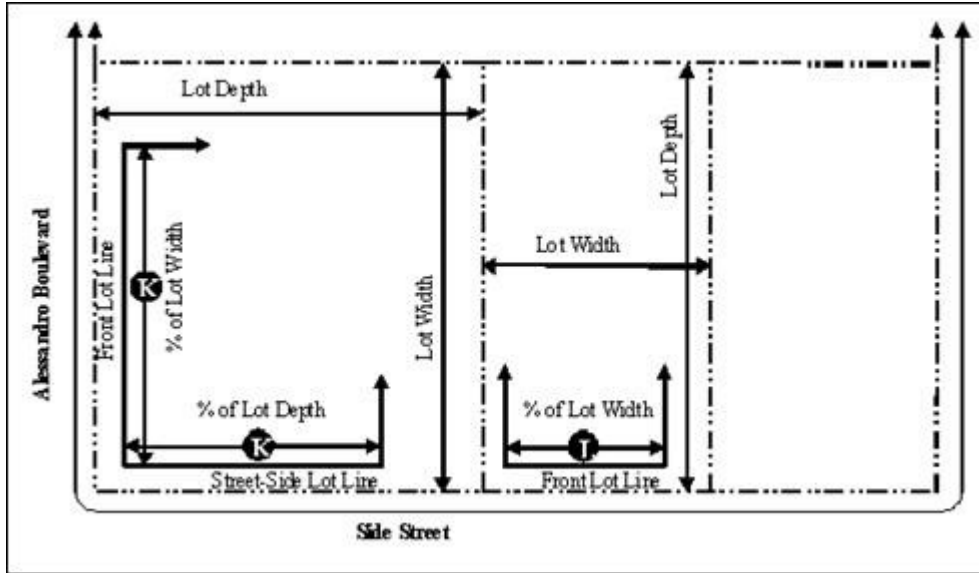


Figure 9.07.095-8  
Building Standards and Building Frontage Types

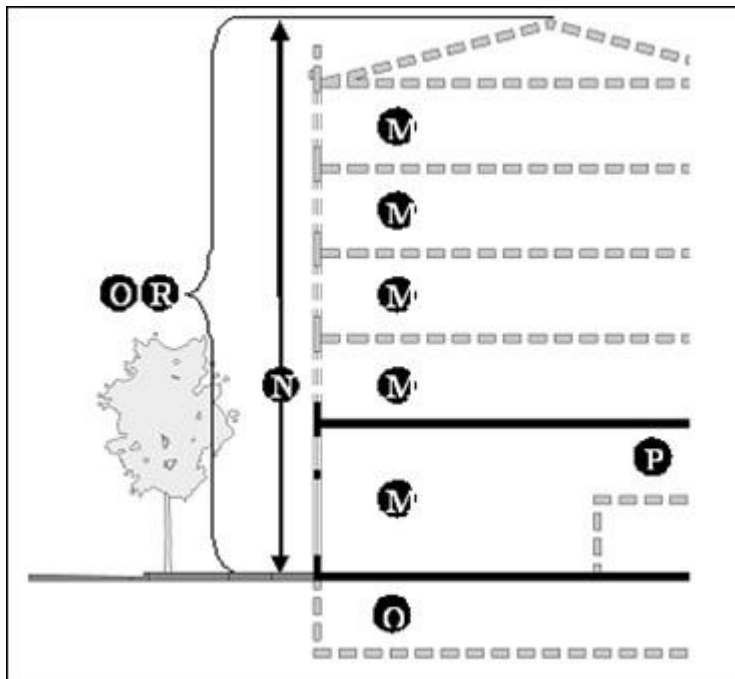
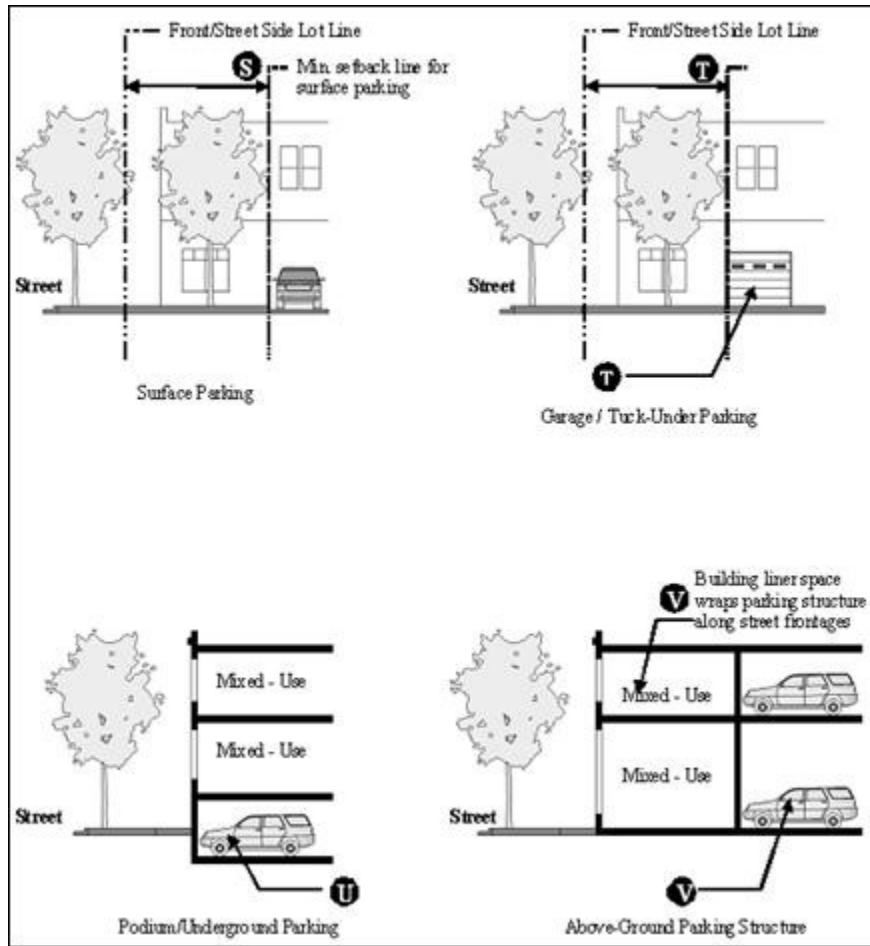


Figure 9.07.095-9  
Parking Standards



(Ord. 864 § 3.3, 2013)

### 9.07.096 Building frontage type standards.

This section provides frontage type standards for buildings in the mixed-use overlay districts. Table 9.07.095-10 specifies allowable building frontage types for each mixed-use overlay district.

#### A. Types of Building Frontages.

1. **Live-Work/Office Fronts.** A frontage that reinforces both residential and work activities that can occur in the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access to the building. Entrances and windows are provided on the front of the façade to provide eyes on the street and direct sidewalk access to commercial and office uses. The front setback (if provided) may be improved with landscaping or as an extension of the public sidewalk to create a more pedestrian-friendly environment. See also Section [9.09.250](#) (Live-work development).

2. **Residential Fronts.** A frontage that reinforces the residential character and use of the building. The elevation of the ground floor is elevated above the grade of the lot to provide privacy for residences by preventing direct views into the home from the sidewalk. Entrances and windows are provided on the front of the façade to provide eyes on the street and direct sidewalk access to the building. Stoops are allowed to project into the front setback to enhance entrances. The front setback is primarily improved with landscaping.

3. **Storefronts.** A frontage that reinforces the commercial character and use of the ground floor of the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access into the building. Large storefronts display windows are provided on the front of the façade to encourage visual access to merchandise displays and to encourage window shopping. Awnings or marquees are provided over storefront windows and entrances.

The front setback (if provided) is primarily improved as an extension of the public sidewalk to create a more pedestrian friendly environment.

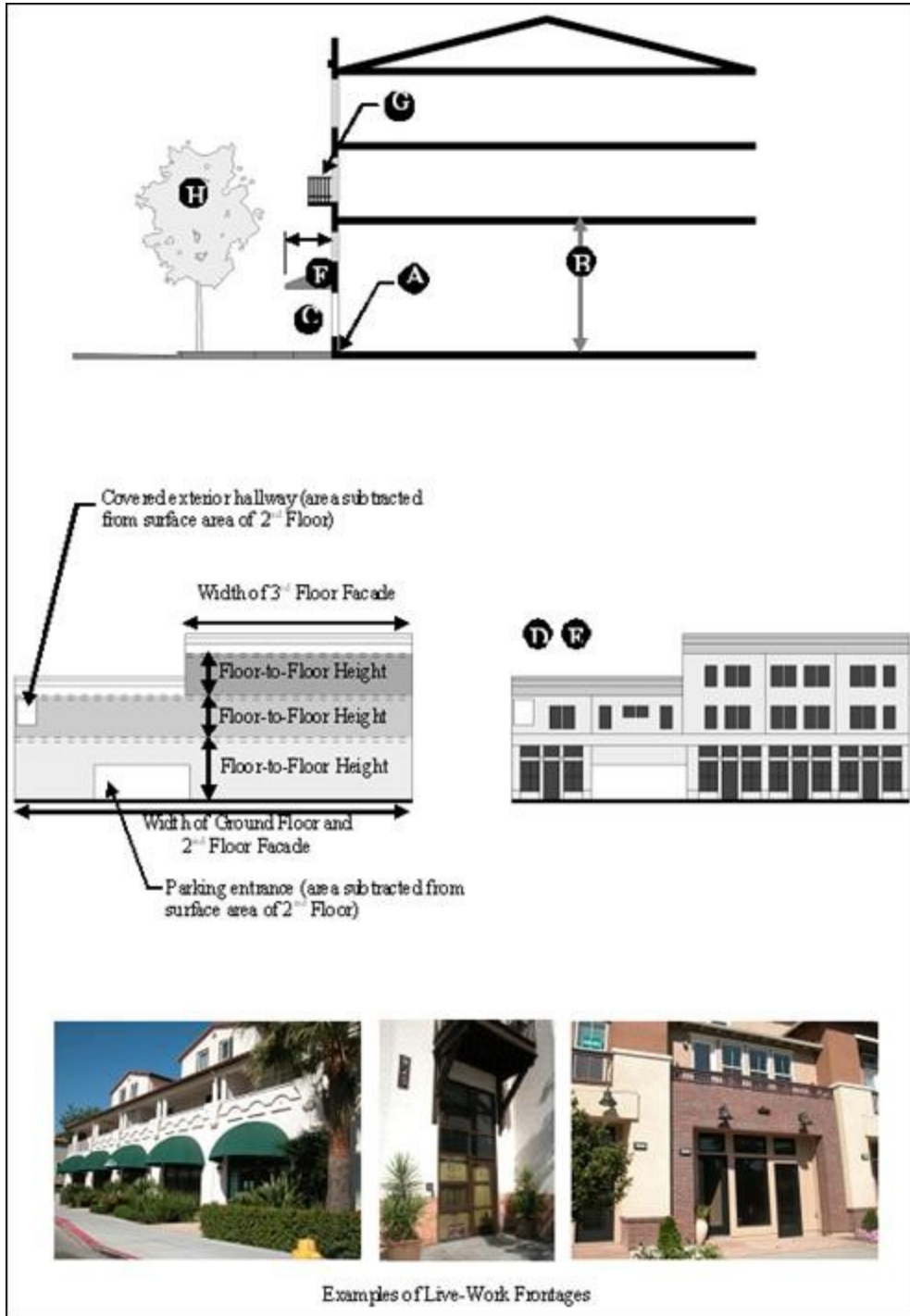
B. Live-Work/Office Frontage Standards (1)	Figure 9.07.096-10
Elevation of Ground Floor (A)	The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and external ADA ramps at public entrances.
Minimum Ground Floor Interior Height (B)	12 feet minimum, floor-to-floor height (commercial ready).
Ground Floor Unit Entrances (C)  Upper Floor Unit Entrances  Recessed Entrances	All ground floor tenant spaces that have street frontage shall have entrances on a façade fronting a street. All other ground floor uses may have a common lobby entrance along the front façade or private entrances along other façades.  Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a façade fronting a street.  Entrances may be recessed into the façade.
Ground Floor Windows (D)	At least 40% of the surface area of the ground floor façade (2) shall be occupied by windows (3).
Upper Floor Windows (E)	At least 25% of the surface area of each upper floor façade (2) shall be occupied by windows (3).

Awnings and Marquees (F)	Awnings or marquees may be provided over storefront windows and entrances. Awning and marquees may project up to 6 feet from the façade and extend over the sidewalk provided that at least 8 feet of vertical clearance is provided.
Projecting Elements (Balconies, Roof Overhangs, Shade Structures, and Bay Windows) (G)	Projecting elements on upper floors may project three feet from the façade and project into the setback.
Sidewalk and Setback Treatment (H)	The public sidewalk shall be improved with street trees with an average spacing of 30 feet on-center and pedestrian-scaled street lights (no taller than 14 feet). If the front façade is set back from the public sidewalk, the setback shall be landscaped and/or improved as an extension of the public sidewalk.

## Notes:

- (1) See Section [9.09.250](#) (Live-work development).
- (2) As measured by multiplying the width of the façade by the floor-to-floor height. Opening in the façade (such as entrances to parking facilities or covered outdoor hallways/entrances) shall be subtracted from the surface area calculation.
- (3) All parts of the window (e.g., head, jamb, frame, sash, sill, muntin bars, and panes) that are visible on the elevation drawing shall be included as “window” in the calculation. Portions of the window that are not visible on the elevation drawing (such as a window that is blocked by a solid balcony wall) shall not be included in the calculation.

Figure 9.07.096-10 Live-Work/Office Frontage Standards



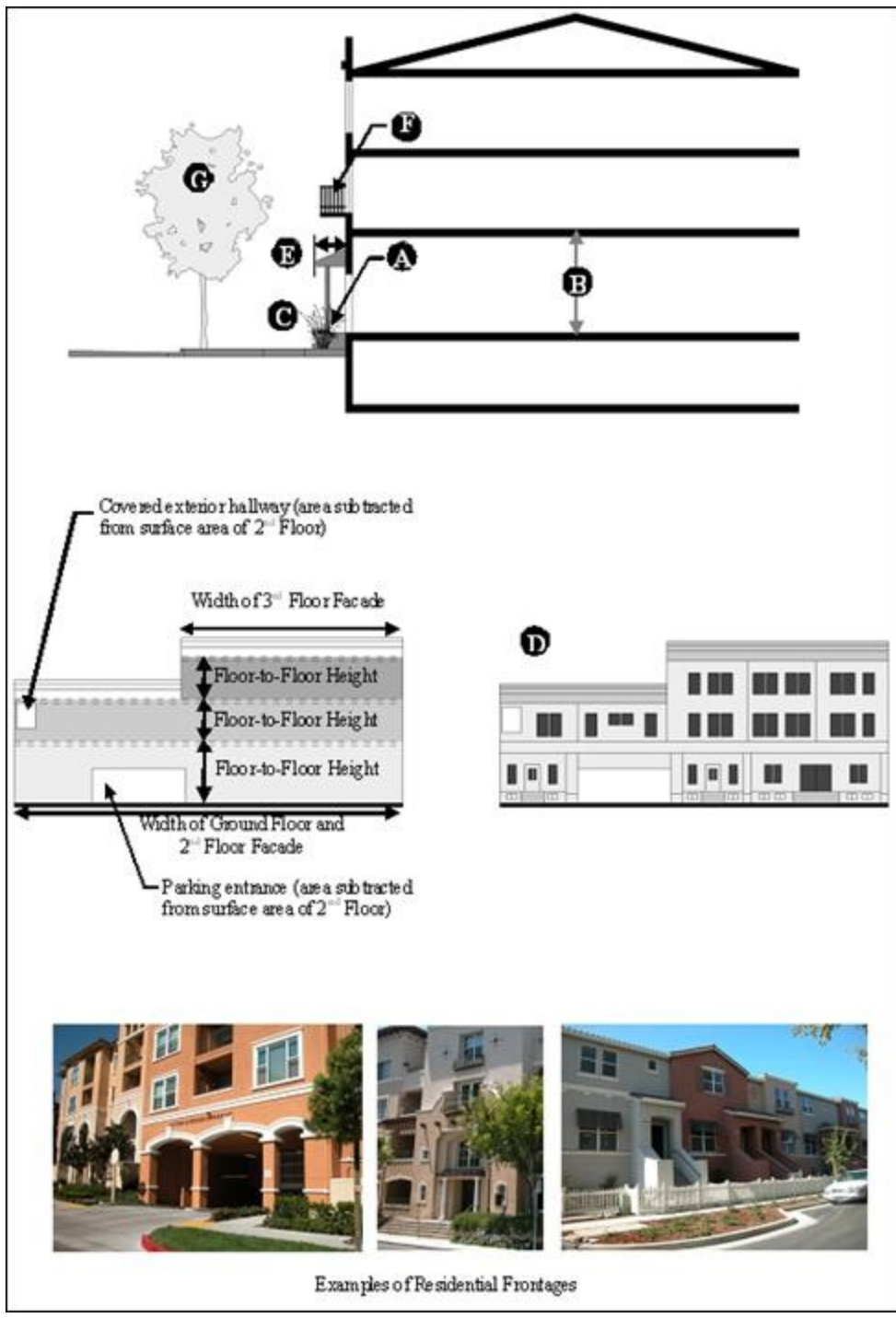
C. Residential Frontage Standards	Figure 9.07.096-11
Elevation of Ground Floor (A)	The ground floor elevation shall be located within 6 feet of the ground surface of the adjacent sidewalk or walkway.

Minimum Ground Floor Ceiling Height (B)	10 feet minimum (floor-to-floor height)
Ground Floor Unit Entrances (C)	Entrances to ground floor units that have street frontage may be provided through a common lobby entrance and/or by private entrances from the adjacent sidewalk.
Upper Floor Unit Entrances	Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a façade fronting a street.
Recessed Entrances	Entrances may be recessed into the façade.
Ground and Upper Floor Windows (D)	At least 25% of the surface area of the ground and upper floor façade (1) shall be occupied by windows (2).
Stoops and Front Porches (E)	Stoops and front porches may be provided in front of building and unit entrances. Stoops and front porches may project up to 5 feet from the façade and project into the setback.
Projecting Elements (Balconies, Roof Overhangs, Shade Structures, and Bay Windows) (F)	Projecting elements on upper floors may project 3 feet from the façade and project into the setback.
Sidewalk and Setback Treatment (G)	The public sidewalk shall be improved with street trees with an average spacing of 30 feet on-center and pedestrian-scaled street lights (no taller than 14 feet). If the front façade is set back from the public sidewalk, the setback shall be landscaped (excluding stoops/front porches and paved paths to building entrances).

## Notes:

- (1) As measured by multiplying the width of the façade by the floor-to-floor height. Opening in the façade (such as entrances to parking facilities or covered outdoor hallways/entrances) shall be subtracted from the surface area calculation.
- (2) All parts of the window (e.g., head, jamb, frame, sash, sill, muntin bars, and panes) that are visible on the elevation drawing shall be included as “window” in the calculation. Portions of the window that are not visible on the elevation drawing (such as a window that is blocked by a solid balcony wall) shall not be included in the calculation.

**Figure 9.07.096-11 Residential Frontage Standards**



D. Storefront Standards	Figure 9.07.096-12
Elevation of Ground Floor (A)	The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and external ADA ramps at public entrances.
Minimum Ground Floor Ceiling Height (B)	15 feet minimum, floor-to-floor height (commercial ready).

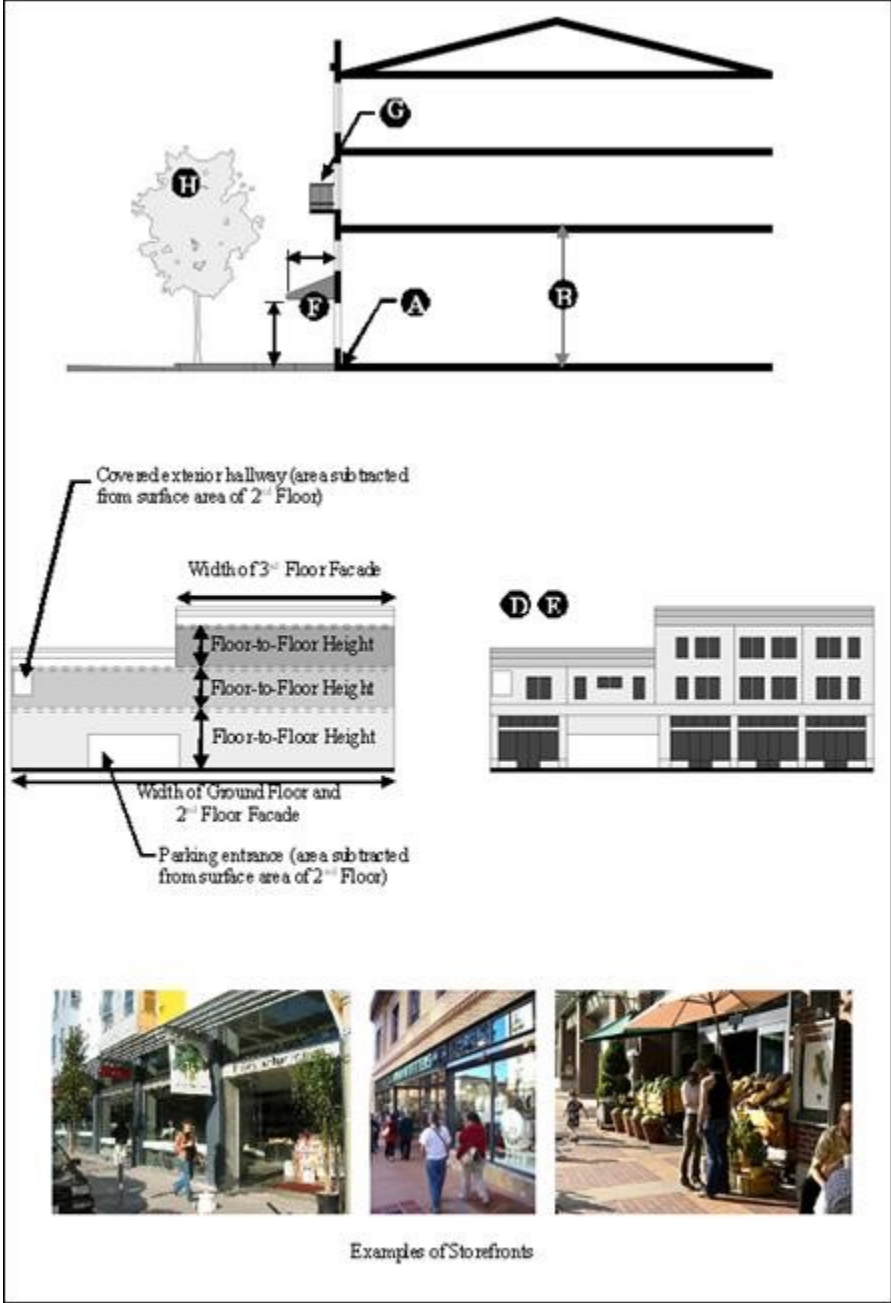
Storefront Entrances (C)	All ground floor tenant spaces that have street frontage shall have storefront entrances on the façade fronting a street.
Lobby Entrances	Lobby entrances to upper floor uses shall be located on a façade fronting a street.
Recessed Entrances	Storefront and lobby entrances may be recessed into the façade.
Ground Floor Windows (D)	At least 50% of the surface area of the ground floor façade (1) shall be occupied by windows (2).
Upper Floor Windows (E)	At least 25% of the surface area of each upper floor façade (1) shall be occupied by windows (2).
Awnings and Marquees (F)	Awnings or marquees are required over storefront windows and entrances. Awning and marquees may project up to 6 feet from the façade and extend over the sidewalk provided that at least 8 feet of vertical clearance is provided.
Projecting Elements (Balconies, Shade Structures, and Bay Windows) (G)	Projecting elements on upper floors may project 3 feet from the façade and project into the setback.
Sidewalk and Setback Treatment (H)	The public sidewalk shall be improved with street trees with an average spacing of 30 feet on-center and pedestrian-scaled street lights (no taller than 14 feet). If the front façade is set back from the public sidewalk, the setback shall be improved as an extension of the public sidewalk.

## Notes:

- (1) As measured by multiplying the width of the façade by the floor-to-floor height. Opening in the façade (such as entrances to parking facilities or covered outdoor hallways/entrances) shall be subtracted from the surface area calculation.
- (2) All parts of the window (e.g. head, jamb, frame, sash, sill, muntin bars, and panes) that are visible on the elevation drawing shall be included as “window” in the calculation. Portions of the window that are not visible on the elevation drawing (such as a window that is blocked by a solid balcony wall) shall not be included in the calculation.

**Figure 9.07.096-12 Storefront Standards**





(Ord. 864 § 3.3, 2013)

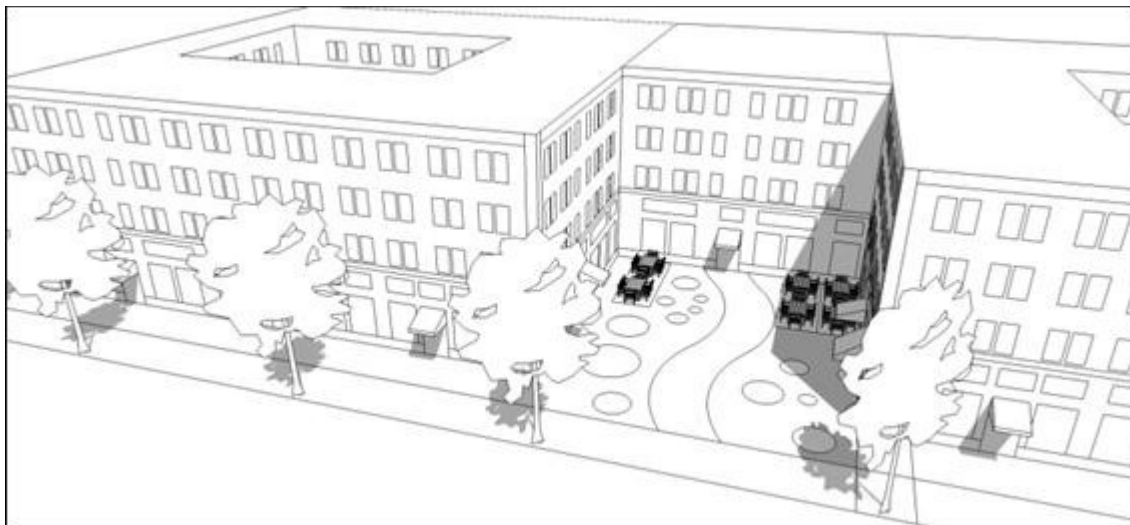
### 9.07.097 Open space standards—Publicly accessible open space.

This section provides standards for publicly accessible open space areas in order to ensure a high level of pedestrian connectivity and activity between the public realm and the private realm, as defined in Chapter [9.15](#) (Definitions).

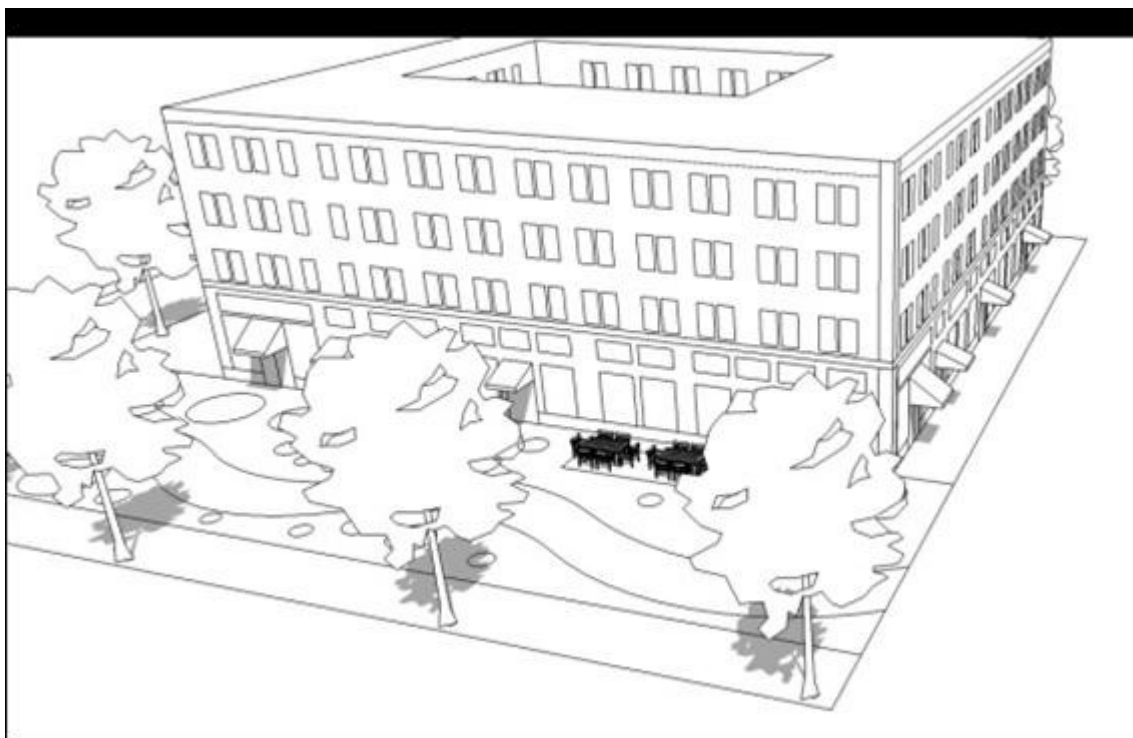
- A. **Minimum Size.** All new nonresidential development shall provide publicly accessible open spaces as a percentage of the total development site area as indicated in Table 9.07.095-10 (Mixed-Use Overlay District Development Standards).
- B. **Eligible Areas.** Publicly accessible open space areas shall not include parking, driveway, or rear setback areas, but may include front and side setback areas provided that they are integrated into the overall design of the project.
- C. **Ground-Level Installation.** Plazas, courtyards, or other similar publicly accessible open space areas shall be installed at ground level and shall be incorporated into the design of the development.
- D. **Visibility and Accessibility.** Public open space areas shall be visible and accessible from the public rights-of-way to engage the interest of pedestrians and encourage public use.
- E. **Landscaping and Hardscapes.** Landscaping shall comply with Chapter [9.17](#) (Landscape and Water Efficiency Requirements). In addition, a combination of landscape and hardscape materials shall be used in the design of these areas and shall include the following components:
  1. Hardscape paving may include brick, stone, interlocking concrete pavers, textured concrete, and/or impressed patterned concrete. Hardscape elements may include, but are not limited to, seating areas, potted plant materials, water features, and public art installations.
  2. The balance of the open space areas shall be landscaped with turf, shrubs or groundcover, and trees. All plant materials shall be in proportion to the height and mass of the building and shall be permanently maintained.
- F. **Minimum Height to Width Ratios.** In order to achieve sunlight and air circulation in required publicly accessible open space areas, the following minimum height to width ratios shall be provided:
  1. Enclosed open space (i.e., open space that is enclosed on four sides, such as a courtyard): two to one ratio. The required open space shall have a width of at least one-half the height of the adjacent building façade (measured perpendicularly from the façade). This requirement shall apply to all sides of the required open space.
  2. Open space that is open on one or more sides: three to one ratio. The required open space shall have a width of at least one-third the height of the adjacent building façade (measured perpendicularly from the façade). This requirement shall apply to all sides of the required open space.
- G. **Design Configuration.**
  1. In the mixed-use institutional anchor (MUI) overlay district, sharing of the required publicly accessible open space (“quasi-public space”) for nonresidential uses and the required common open space for residential uses, indicated in Table 9.07.095-10 (Mixed-Use Overlay District Development Standards), may be allowed by the applicable review authority when it is clear that the open space will provide direct benefit to residents of the project and the public in general subject to the following limitations:
    - a. Up to thirty (30) percent of the required open space for residential uses in a horizontal mixed use project may be provided as quasi-public open space within the nonresidential component of the project; or

- b. Up to fifty (50) percent of the required open space for residential uses in a vertical mixed use project may be provided as quasi-public open space within the nonresidential component of the project.
  - c. The minimum dimension (length and width) of shared common open space areas shall be twenty (20) feet. These areas shall be located at grade and shall be accessible for use by the general public.
  - d. Quasi-public open space areas shall not include outdoor dining areas or other outdoor activity areas for exclusive use by an individual business.
  - e. Quasi-public open space areas are areas located on private property and accessible to the general public. These areas shall include pedestrian oriented amenities, including enhanced seating, lighting, paving, landscaping, public art, water features, and other similar features deemed appropriate by the community development director.
2. Publicly accessible open space areas shall be located and configured as any one of the following:
- a. Forecourt. The publicly accessible open space area is located along a recessed center section of the front façade of the building as illustrated in Figure 9.07.097-13a (Publicly Accessible Open Space—Forecourt).
  - b. Front. The publicly accessible open space area is located along the street facing frontage of the building as illustrated in Figure 9.07.097-13b (Publicly Accessible Open Space—Front).
  - c. “L” Shaped. The publicly accessible open space area is located along the front and side of the lot as illustrated in Figure 9.07.097-13c (Publicly Accessible Open Space—“L” Shaped).
  - d. Paseo or Central Courtyard. The publicly accessible open space area is located on the side of the building or along a center pedestrian paseo or courtyard as illustrated in Figure 9.07.097-13d (Publicly Accessible Open Space—Paseo or Central Courtyard).

**Figure 9.07.097-13a  
Publicly Accessible Open Space—Forecourt**



**Figure 9.07.097-13b  
Publicly Accessible Open Space—Front**



**Figure 9.07.097-13c**  
**Publicly Accessible Open Space—“L” Shaped**



**Figure 9.07.097-13d**  
**Publicly Accessible Open Space—Paseo or Central Courtyard**



(Ord. 864 § 3.3, 2013)

### 9.07.098 Open space standards—Private/common open space.

This section provides standards for private and/or common open space for residential uses. Private and/or common open space shall be provided in addition to the required publicly accessible open space in Section [9.07.097](#) (Open space standards—Publicly accessible open space).

#### A. Required Amount of Open Space.

1. **Minimum Required Open Space.** Private open space and common open space shall be provided in the amounts indicated in Table 9.07.095-10 (Mixed-Use Overlay District Development Standards).
2. **Residential Developments.** Private open space and common open space shall be provided on a per unit basis for residential projects and shall be a combination of the total required space divided between private areas (e.g., balconies, patios, etc.) and common areas (e.g., courtyards, playgrounds, recreation facilities, multi-purpose rooms, etc.) designed for the common use of residents as specified below.
3. **Nonresidential or Mixed-Use Developments.** Private open space and common open space shall be provided as a percentage of the total lot area for nonresidential projects and may be used to provide site amenities such as rooftop decks, courtyards, or similar features. Mixed use developments shall combine the residential standards and the nonresidential standard to satisfy this provision.

B. **Exclusive Use.** Private and common open space areas shall be located and designed for the exclusive use of the residents or tenants of the property and their guests and shall not be publicly accessible, except in the Civic Center MixedUse (CVMU) Overlay District and the Medical Center Mixed-Use (MDMU) Overlay District where sharing of the required publicly accessible open space (“quasi-public space”) for nonresidential uses and the required common open space for residential uses may be allowed in compliance with Section [9.07.097\(G\)](#) (Open space standards—Publicly accessible open space, Design configuration).

C. **Types of Open Space.** A combination of private and common open space shall be provided to satisfy the following requirements:

1. **Common open space amenities** shall include, but are limited to, one or more of the following amenities: courtyards, plazas, tennis courts, swimming pools, spas, permanently equipped gym/exercise rooms, or other permanent amenity. Rooftop decks and terraces may be used to satisfy this requirement; however, these areas shall be easily accessible to all residents within the building, and face the public rights-of-way where possible.
2. **Private open space areas** may include balconies, patios, terraces, or rooftop decks. These areas shall be integrated into the overall architectural design of the building. Architectural elements (e.g., railings, trellises, short walls, roof-top enclosures, etc.) shall be consistent with the architectural style of the structure to which they are attached.
- D. **Materials and Design.** Open space areas shall be constructed of permanent materials and be permanently integrated into the design of the building.

E. **Building Height to Open Space Width Ratios.** In order to achieve sunlight and air circulation in outdoor common open space areas, the following building height to open space width ratios are required:

1. **Enclosed open space** (i.e., open space that is enclosed on four sides, such as a courtyard): one to one ratio.

The required open space shall have a width of at least one-half the height of the adjacent building façade (measured perpendicularly from the façade). This requirement shall apply to all sides of the required open space.

2. Open space that is open on one or more sides: two to one ratio. The required open space shall have a width of at least one-third the height of the adjacent building façade (measured perpendicularly from the façade). This requirement shall apply to all sides of the required open space. (Ord. 864 § 3.3, 2013)

### **9.07.099 Lot area requirements and lot consolidation incentives.**

A. Lot Area Requirements. In addition to the lot area requirements provided in Table 9.07.095-10 (Mixed-Use Overlay District Development Standards), the size and shape of each newly created lot shall be adequate to allow the full development of the allowed uses in a manner consistent with the following:

1. Adequate provision shall be made to promote safe and orderly access and circulation of pedestrian and vehicular traffic within the site and from public streets and adjacent developments;
2. Adequate provision shall be made for buildings to be sited to allow for functional use of space between structures and to provide areas for parking, access, and landscaping;
3. Adequate provision shall be made to ensure the compatibility of the site development with surrounding development in regard to size, scale, building and site design, and limitation of overshadowing effects; and
4. The proposed development shall not limit or adversely affect the growth and development potential of adjacent properties or the general area in which the proposed development will be located.

B. Lot Consolidation Incentives.

1. Allowable Incentives for Lot Consolidation. In order to encourage the assembly of smaller existing lots into larger lots that can be more efficiently developed into a mixed-use project, the following incentives are offered:

- a. Reduction in required parking for a mixed-use project when approved in compliance with Section [9.11.070](#) (Adjustments to off-street parking requirements).
- b. Increase in maximum floor area ratio (FAR), up to a maximum of ten (10) percent.
- c. Reduction in common and/or private open space requirements, up to a maximum of ten (10) percent.

2. Eligibility for Incentives.

- a. Consolidation of existing small lots into a development project site of one acre or greater up to two acres shall be eligible for any two of the allowable incentives identified above.
- b. Consolidation of existing small lots into a development project site of two acres or greater shall be eligible for any four of the allowable incentives identified above. (Ord. 864 § 3.3, 2013)

### 9.09.250 Live-work development.

This section provides operational and compatibility standards for the development of live-work units. These standards are in addition to the standards for live-work development provided in Article II, Mixed-Use Overlay Districts, of Chapter [9.07](#).

#### A. Allowed Uses.

1. The nonresidential component of a live-work unit shall only be a nonresidential use allowed within a mixed-use overlay district, except that certain uses are determined to be not appropriate within a residential environment and are therefore prohibited as provided in subsection B of this section.
2. The residential component of a live-work unit shall only be a residential use allowed within a mixed-use overlay district.

B. Prohibited Uses. A live-work unit shall not be used for any of the following activities or similar activities as determined by the community development director:

1. Adult-oriented businesses;
2. Animal care or boarding;
3. Classroom instruction (e.g., art/music lessons, tutoring, and similar uses) involving five or more students at any one time;
4. Commercial food preparation activities;
5. Industrial uses;
6. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.;
7. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
8. Medical and dental offices, clinics, and laboratories (not including chiropractors or counselors/psychotherapists);
9. Activities or uses that are not compatible with residential activities or that would clearly conflict with other livework activities or the character of the surrounding neighborhood as determined by the community development director; and
10. Activities or uses that would adversely affect the health or safety of live-work unit residents, because of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or that would be hazardous because of materials, processes, products, or wastes.

#### C. Site Planning and Design Standards.

1. Each live-work unit fronting a public right-of-way shall have a pedestrian-oriented frontage that allows views into the interior of the nonresidential areas of the unit.
2. Each live-work unit shall have a clearly identified, separate access from other live-work units within the structure or development. Access to individual units shall be from common access areas, parking lots, or walkways. Access to each unit shall be clearly identified to provide for emergency services.
3. The living space within the live-work unit shall be contiguous with the working space, with direct access between the two areas.



#### D. Operational Standards.

1. No portion of a live-work unit shall be separately sold or rented.
2. The owner or developer of a structure containing live-work units shall provide written notice to all occupants, tenants, and users that the surrounding area may be subject to higher impacts associated with nonresidential uses (e.g., noise) than exist in more predominantly residential areas. Performance standards for live-work units shall be those applicable to nonresidential uses allowed in the zoning district in which the live-work units are located.
3. All activities related to the “work” component of a live-work unit shall be conducted within a completely enclosed building.
4. Up to two additional persons who do not reside in the live-work unit may work in the unit.
5. Client and customer visits to live-work units are allowed.
6. Parking for each live-work unit shall be provided in compliance with Chapter [9.11](#) (Parking, Pedestrian, and Loading Requirements).
7. A live-work unit shall not be converted to either entirely residential use or entirely nonresidential use.
8. A live-work use may display a window or building-mounted sign up to a maximum of five percent of the building frontage area used for commercial purposes. Signs shall not be illuminated, including neon signs. (Ord. 864 § 3.3, 2013)

#### 9.09.260 Mixed-use development.

This section provides operational and compatibility standards for mixed-use development. These standards are in addition to the standards provided in Article I, Mixed Use Districts/Corridors and Article II, Mixed-Use Overlay Districts, of Chapter [9.07](#).

##### A. Operational Standards.

1. Hours of Operation. Outdoor nonresidential uses in mixed-use projects shall be prohibited from operating between the hours of ten p.m. and seven a.m. These hours may be modified through approval of a conditional use permit in compliance with Section [9.02.060](#) (Conditional use permits).
2. Joint Tenants and Owners Association.
  - a. A joint tenants and owners association shall be formed to ensure the well-being of each tenant and owner in a mixed-use project.
  - b. The association bylaws, including voting rights, shall be subject to review by the city attorney and approval by the director. The association’s bylaws shall include the following:
    - i. Assignment of parking spaces per each use.
    - ii. Identification of maintenance responsibilities for landscaping, parking facilities, and recycling and refuse storage facilities.
    - iii. Noise notification procedures.
    - iv. Relationship between uses regarding association representation.
    - v. Voting procedures.
    - vi. Procedures for solving problems that may arise between the different types of uses or residents.

3. Loading and Unloading Activities. Where applicable, the covenants, conditions, and restrictions of a mixed-use project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place after ten p.m. or before seven a.m. on any day of the week.
4. Noise Notification.
  - a. Residents, whether owners or tenants, of a mixed-use development project shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area.
  - b. The covenants, conditions, and restrictions of a mixed-use project shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information.
- B. Fences and Walls. In addition to the regulations in Section 9.08.070 (Fences and walls), fences and walls shall be subject to the following regulations:
  1. Separation Wall Required. A masonry separation wall shall be constructed on all property lines adjacent to any single-family residential district. Pedestrian access points are encouraged and may be allowed subject to approval of the community development director. The separation wall shall be six feet in height, as measured from the highest elevation of land contiguous to the wall, except in a required front setback area and in a required exterior side setback area for a corner, reverse corner or key lot, where the wall shall be limited to thirty-six (36) inches in height.
  2. Other Fences and Walls. Fences and walls are allowed in any yard area subject to the following height regulations:
    - a. Front Yard Area. In the front yard area, the height shall be limited to thirty-six (36) inches.
    - b. Street Side Yard. In street side yard areas, the height shall be limited to thirty-six (36) inches.
    - c. All Other Areas. In all other areas, the height shall be limited to six feet, as measured from the side of the fence or wall with the highest grade.
  3. Location. All perimeter fences and walls shall be constructed on the property line unless a different location is permitted by the community development director. No parallel wall or fence shall be constructed less than five feet from an existing wall or fence, unless approved by the community development director.
  4. Materials.
    - a. Chain link fencing shall not be erected between a primary or accessory structure and a public or private street, except that chain link fencing may be used for security purposes for public utility structures and for temporary fencing needs (construction sites, special events, vacant lots, etc.).
    - b. Barbed wire and concertina wire are prohibited, except at public utility structures.
- C. Landscaping. Landscaping shall comply with Chapter 9.17 (Landscape and Water-Efficiency Requirements).
- D. Screening and Buffering Standards. Mechanical and air-conditioning equipment shall be screened and buffered in compliance with Section 9.10.130 (Mechanical and electrical equipment).
- E. Signs. Signs shall comply with Chapter 9.12 (Sign Regulations). In addition, in a mixed-use overlay district where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to a particular use shall be determined as follows: residential uses shall be treated as if they were located in the residential area where that type of use would be allowed as a matter of right, and

nonresidential uses shall be treated as if they were located in a district where that particular use would be allowed, either as a matter of right or subject to a discretionary process.

F. Trash and Recycling Enclosures.

1. Recycling and refuse storage facilities shall be located as far away as possible from residential units and shall be completely screened from view from adjacent residential portions of the project or another adjacent residential uses in compliance with Section 9.08.150 (Screening requirements).
2. The location and design of recycling and refuse storage facilities shall mitigate nuisances from odors when residential uses might be impacted.
3. The location and design of recycling and refuse storage facilities shall be integrated into and be compatible with the architectural design and details of the overall project.

G. Sound Mitigation. Residential dwelling units shall be designed to be sound attenuated against present and future project noise. New projects or new nonresidential uses in existing projects shall provide an acoustical analysis report, by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards.

H. Design Criteria.

1. A mixed-use development project shall be designed and constructed to:
  - a. Be pedestrian in its focus by:
    - i. Providing direct pedestrian linkages to adjacent public sidewalks.
    - ii. Creating enhanced pedestrian connections throughout the project between residential and nonresidential uses and parking areas.
    - iii. Providing enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories, and similar items to create a pleasant pedestrian experience.
    - iv. Incorporating architectural design elements and materials that relate to a pedestrian scale.
  - b. Locate uses in proximity to one another without large intervening parking lots so that it is convenient for people to walk between the various uses and park their vehicles only once.
  - c. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating storefronts and common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
  - d. Provide a transition to adjacent residential uses in compliance with the standards provided in Table 9.07.095-10 (Mixed-Use Overlay District Development Standards).
2. Consistent Use of Architectural Details and Materials. Architectural style and use of quality materials shall be compatible and consistent throughout an entire mixed-use project. However, differences in architectural details and materials may occur to differentiate between the residential and nonresidential portions of the project. The overall project design and site layout shall be one that promotes a strong pedestrian environment and active street frontage. This can be accomplished by incorporating features into the project as outlined in paragraph 3 of this subsection.
3. Features.
  - a. Street Level Features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes, and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.

- b. **Pedestrian-Oriented Features.** At least seventy-five (75) percent of the building frontage facing a public street, primary pedestrian way, or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses, transparent display windows, landscaping).
- c. **Upper Level Features.** Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
- d. **Entrances.** When nonresidential and residential uses are located in a vertical mixed use structure, 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. Entrances to individual residential units in a vertical mixed use project shall not be allowed along a street frontage. Instead shared entrances to residential units located above the ground floor shall be from lobbies that serve multiple units.
- e. **Neighborhood Interface.** The design of new infill development shall be sensitive to the scale and design characteristics of established structures in abutting residential neighborhoods, with the objective of achieving a harmonious transition between the new development and existing neighborhood. Consideration shall be given to factors including, but not limited to, orientation of architectural features, building articulation, and exterior building treatments.
- f. **Lighting.** Lighting shall be incorporated along sidewalks or other pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not adversely impact the residential uses, but shall provide sufficient illumination for access and security purposes consistent with the provisions of Section [9.08.100 \(Lighting\)](#).
- g. **Security.** Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by:
- i. Maximizing visibility to common open space areas, internal walkways, and public sidewalks. Use opportunities for natural surveillance to increase visibility.
  - ii. Using walkways, low fences, lighting, signage, and landscaping to clearly guide people and vehicles to and from the proper entrances.
  - iii. Eliminating areas of concealment, hiding places, and dead spaces.
  - iv. Using lighting to improve the visibility of common areas while enhancing the pedestrian environment. Lighting should not be overly bright and should provide a uniform level of light over the subject area to eliminate dark spaces. (Ord. 864 § 3.3, 2013)

**Permitted Uses Table 9.02.020-1**

- X - Indicates stated use is permitted subject to zoning 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 (18)	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI(8,10,11)	NC (18)	CC (18)	VC	OC	O	P	I (18)	LI		BP (18)

Adult Businesses																A		A	A		A	A	A	A			
Agricultural Uses—Crops Only	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																C		C	C	C	C	C					
Ambulance Service																◆				◆	X	X	X	X			
Amusement Parks, Fairgrounds																◆					X						
Animal Raising (see Section 9.09.090 of this title)	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												X	X	X	X	X		X				X	X	X	X		
Auction Houses																X									X		
Auditoriums												◆	◆	◆		◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
Auto Electronic Accessories and Installation																X						X	X		X		

**Permitted Uses Table 9.02.020-1**

- X - Indicates stated use is permitted subject to zoning requirements.
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- ◆ - 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 (18)	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI(8,10,11)	NC (18)	CC (18)	VC	OC	O	P	I (18)	LI	BP (18)	BPX (18)	OS (18)

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  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	

**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 (18)	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI(8,10,11)	NC (18)	CC (18)	VC	OC	O	P	I (18)	LI	BP (18)	

Automotive Paint and Body Repair—Major Engine Overhaul																	◆						X				
Auto Rentals																	X										
Auto Supply Stores													X	X	X	X	X						X	X		X	
Bakery Shops													X	X	X	X	X	X								X	
Bakery—Commercial																						X					
Banks—Financial Institutions													X	X	X	X	X	X	X	X					X	X	
Barber and Beauty Colleges													X	X	X	X	X		X	X				X	X		
Bars (Drinking Establishments)																											
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									X	X	X	X	X	X													
Bowling Alley													◆	◆	◆	X	X										
Building Material Sales																											
With outdoor storage																							X	X			

**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 (18)	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI(8,10,11)	NC (18)	CC (18)	VC	OC	O	P	I (18)	LI	BP (18)	

Building Material Storage Yards																						X					
Bus, Rail and Taxi Stations															◆		◆										
Business Equipment Sales (includes repairs)													X	X	X	X	X	X	X						X		
Business Schools													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		
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																
Churches <sup>2</sup>	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	C	◆	◆	◆	◆	◆	◆	◆		
Clubs												◆	◆	◆	◆	◆	◆	◆	◆	◆	◆					C	
Commercial Cannabis Activities <sup>17</sup>																											
Cultivation																							M	M	M		



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Dispensary																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								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															C		◆		◆		◆				◆	◆	

Attachment: Exhibit B Permitted Use Table 1 Final Draft (4401 : Comprehensive General Plan Update and

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with Incidental Food Services																										
Copy Shops													X	X	X	X	X	X	X	X		X	X	X	X	
Country Club	C	C	C	C	C	C	C	C	C	C	C	C														
Dancing, Art, Music and Similar Schools													X	X	X	X	X	X	X	X			X	X	X	
Day Care Centers <sup>19</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	C
Delicatessens													X	X	X	X	X	X	X			X	X	X		
Diaper Supply Service																						X				
Laundry with fleet storage																						X				
Disposal company																						X				
Drapery Shops													X	X	X	X	X	X								
Dressmaking Shops													X	X	X	X	X	X								
Driving School													X	X	X	X	X		X	X			X	X	X	
Drug Stores													X	X	X	X	X	X								
Dry Cleaning or Laundry																										
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>																	C		C	C	X	C			C	
Equestrian Centers, Riding Academies, Commercial Stables	C	C	C	C													◆								C	

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(including incidental sales of feed and tack)																											
Exterminators																	C						X	X	X	X	
Farm Worker Housing									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									C	C	C	C	C														
Frozen Food Locker																							X	X			
Gasoline Dispensing - Non-retail accessory to an auto-related use																	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	C	C	C	C	C	C	C	C	C	C	C	C															◆
Handicapped Housing									X	X	X	X	X	X	X												
Heavy Equipment Sales and Rentals																	X							X	X		

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones				
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Hospitals															◆		◆		◆	◆					C	C	C
Hotels																											
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)													X	X	X	X	X		X	X		X	X	X	X		
Libraries	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</sup>													X	X	X												
Locksmith Shops													X	X	X	X	X	X				X	X	X	X		
Lodge Halls and Similar Facilities													◆	◆	◆	◆	◆		◆						◆	◆	
Lumberyards																	X					X					
Mail Order House																	X					X	X	X	X		
Manufacturing and Assembly																											

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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																										
Inpatient care													X	X	X	X	X		X	X		X	X	X	X	

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Urgent care													X	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								
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	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	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														C	C		C										

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Nursery, (Plant), Wholesale and Distribution	X	X	X	X																		X	X			X
Offices (administrative and professional)													X	X	X	X	X	X	X	X			X	X	X	
Open Air Theaters															C						C					C
Orphanages	C	C	C	C	C	C	C	C	C	C	C															
Painting Contractor																						X	X			
Parcel Delivery Terminals																						X	X	X	X	
Parking Lot															C	C	X	X	C					X		
Parks and Recreation Facilities (public)	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)													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	X	X		
Pool Hall														◆		◆	◆									
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	
Public Administration, Buildings and Civic Centers													X	X	X	X	X	X	X	X	X	X	X	X	X	
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆	X	X	◆	◆	C
Racetracks																	C				C					
Record Store													X	X	X	X	X	X								
Recording Studio													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	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	
Rental Service																										



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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													X	X	X					X	X		X	X	X	X	
Residential																											
Single-Family	X	X	X	X	X	X	X	X																			
Multiple-Family									X	X	X	X	X	X	X												
Manufactured home park (see mobile home parks)																											
Residential Care Facility (for seven or more persons)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X												
Restaurants (Eating and Drinking Establishments)																											
Without entertainment													X	X	X	X	X	X	X								X
With Limited Live entertainment													X	X	X	X	X	X	X								
With alcoholic beverage sales													X	X	X	X	X	X	X							X	

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With outdoor seating <sup>13</sup>													X	X	X	X	X	X	X							X	
Restaurants (fast-food)																											
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											C	C	C	C			X										
Skating Rinks														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																							X				

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones				
	HR	RR	R1	RA2	R2	R3 (18)	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUI(8,10,11)	NC (18)	CC (18)	VC	OC	O	P	I (18)	LI	BP (18)	

Swim Schools/Center with Incidental Commercial Uses	C	C	C	C	C	C	C	C	C	C	C	C					X										
Taxidermist																	X						X	X			
Theaters (excludes open air)													X	X	X	X	X	X									
Tire Recapping																							X				
Trade and Vocational Schools													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			
Outdoor																	C						X	X			
Vending Machine Service and Repair																							X	X	X	X	
Veterinarian (including animal hospital)																											
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								

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones					
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Wholesale, Storage, and Distribution																										
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 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).

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	Residential Zones											Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
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- (8) In the MUI, 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, 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)
- (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.**

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	Residential Zones											Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
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**Zoning Key**

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

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

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)

Adult Businesses							
Agricultural Uses—Crops Only <sup>18</sup>		X	X	X	X	X	X
Agricultural (involving structures)							
Aircraft Landing Facilities							
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,	◆	X	◆				

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	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)

Aircraft and Boat Sales, Leasing, and Incidental Minor Repairs and Accessory Installations							
Auto Service Stations	X	◆	◆	◆			
a) Accessory uses include convenience store and car wash							
b) 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>							



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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)
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>	◆		◆				
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						
Caretakers Residence <sup>1</sup>	C		X				

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)
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							
Commercial Radio or Television Stations							
With on-site antenna			◆	C			
Without on-site antenna	X		X	X			

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	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)

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
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							

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)
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>							
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack) <sup>18</sup>		X					
Exterminators	X		C				
Farm Worker Housing <sup>18</sup>							
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							

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	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)
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
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

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)
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>			◆	◆	◆	◆	◆
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							

**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 Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)
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							

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

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)

No cremation services			◆				◆
Museums <sup>18</sup>		X	X	X	X	X	X
Newspaper and Printing Shops	X	X	X	X	X	X	X
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				



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

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)

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

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

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)
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			
Multiple-Family			X	X	X	X	X
Manufactured home park (see mobile home parks)							
Residential Care Facility (for seven or more persons) <sup>18</sup>			C	C	C	C	X
Restaurants (Eating and Drinking Establishments) <sup>18</sup>							
Without entertainment		X	X	X	X	X	X

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)
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		X	◆	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				

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

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)
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							
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	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

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9.11)	MUC (9.11)	MUI (8,10,11)

Wholesale, Fulfillment, 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							

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 zones 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).

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

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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)

- (8) In the MUI, 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, 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)
- (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.**

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

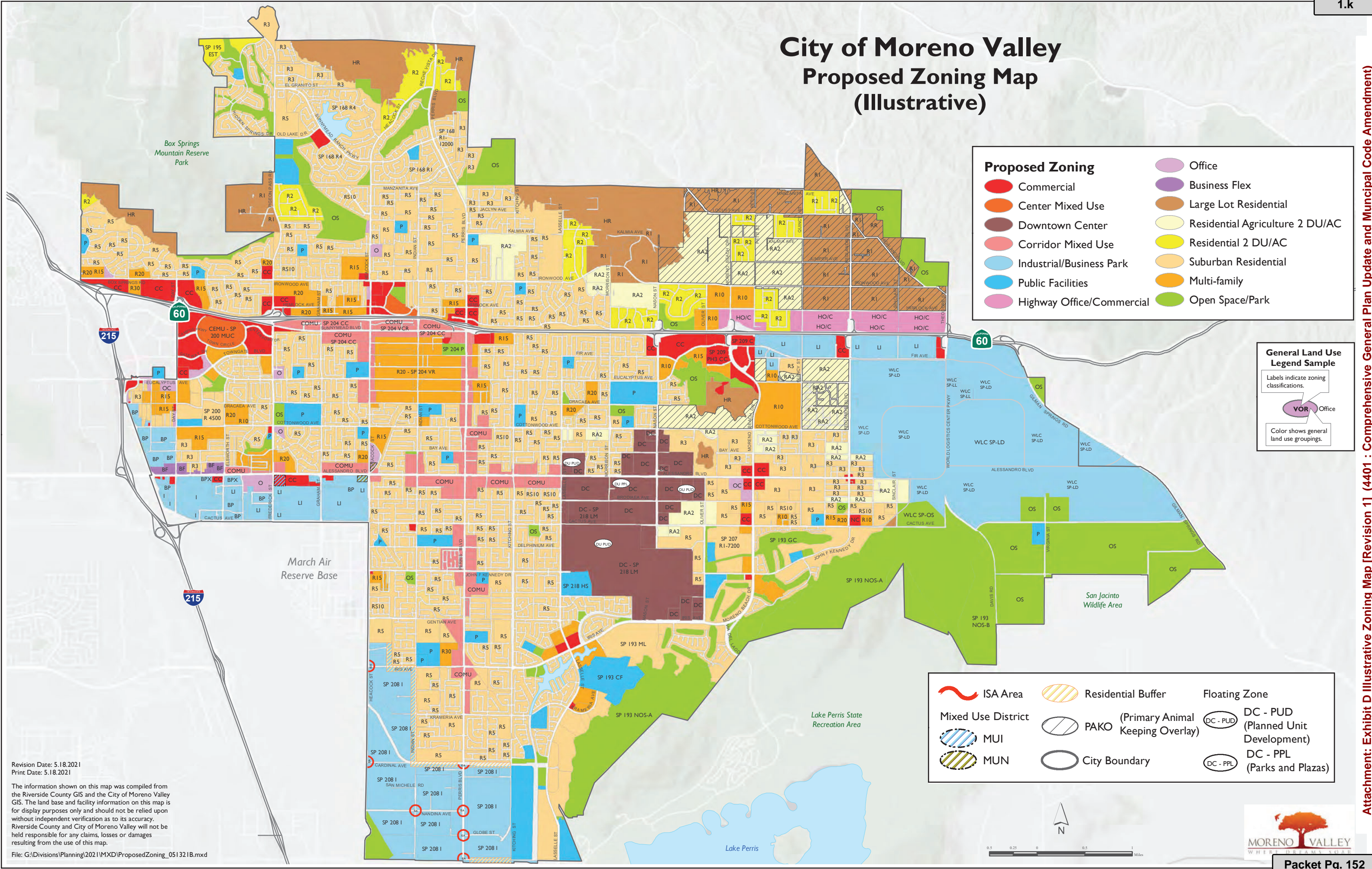
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	Mixed Use Zones				Mixed Use Overlay		
	BF zone (18)	H-OC zone	COMU zone	DC zone	MUN (9,11)	MUC (9,11)	MUI (8,10,11)

**Zoning Key**

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

# City of Moreno Valley Proposed Zoning Map (Illustrative)



**Proposed Zoning**

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

**General Land Use Legend Sample**

Labels indicate zoning classifications.

Office

Color shows general land use groupings.

ISA Area	Residential Buffer	<b>Floating Zone</b>
<b>Mixed Use District</b>	PAKO (Primary Animal Keeping Overlay)	DC - PUD (Planned Unit Development)
MUI	City Boundary	DC - PPL (Parks and Plazas)
MUN		

Revision Date: 5.18.2021  
Print Date: 5.18.2021

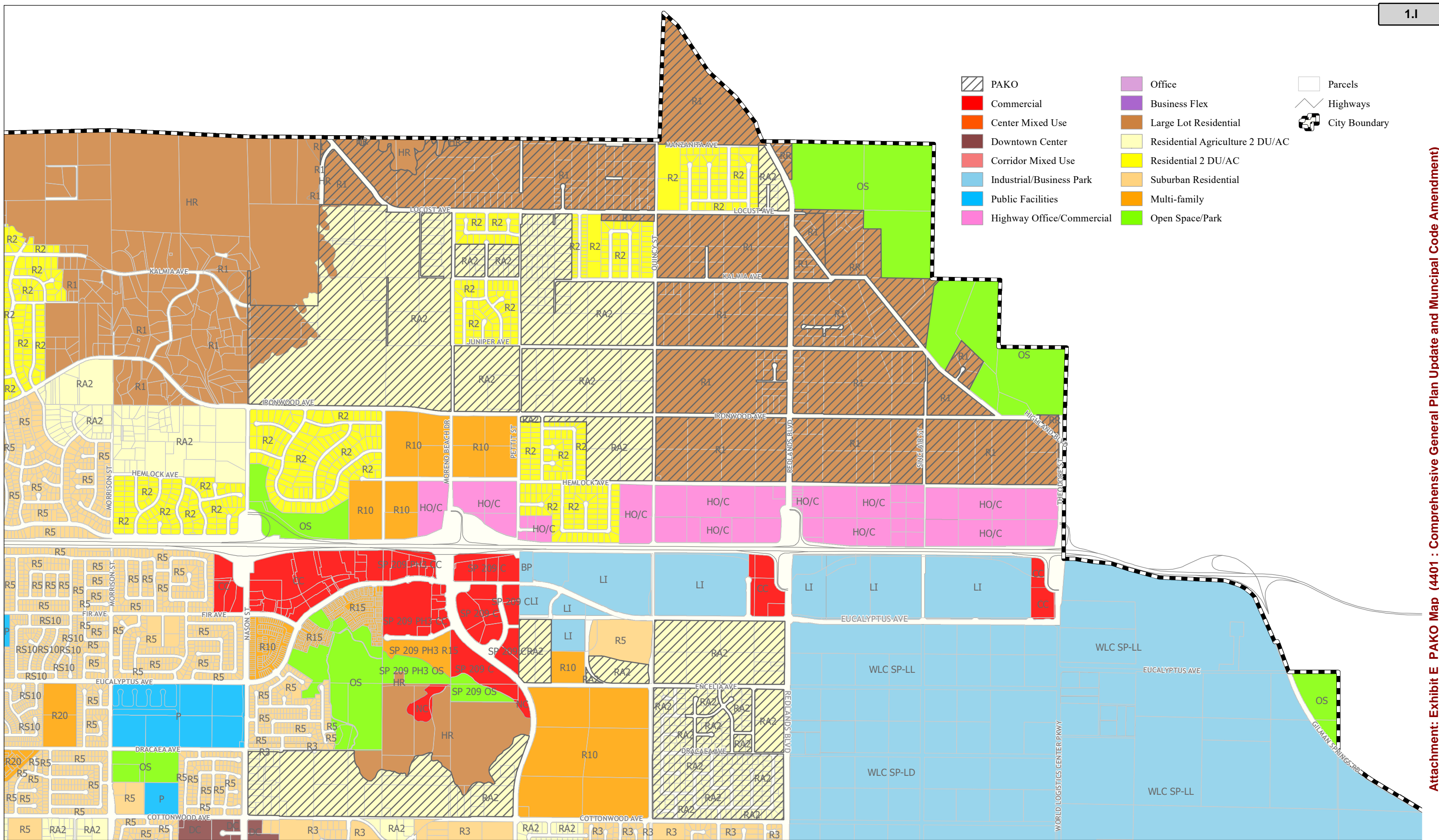
The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City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

File: G:\Divisions\Planning\2021\MXD\ProposedZoning\_051321B.mxd



Attachment: Exhibit D Illustrative Zoning Map [Revision 1] (4401 : Comprehensive General Plan Update and Municipal Code Amendment)

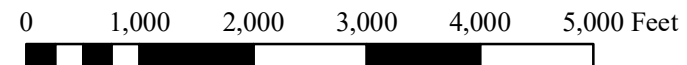




Attachment: Exhibit E PAKO Map (4401 : Comprehensive General Plan Update and Municipal Code Amendment)

# CITY OF MORENO VALLEY

## PRIMARY ANIMAL KEEPING OVERLAY (PAKO)

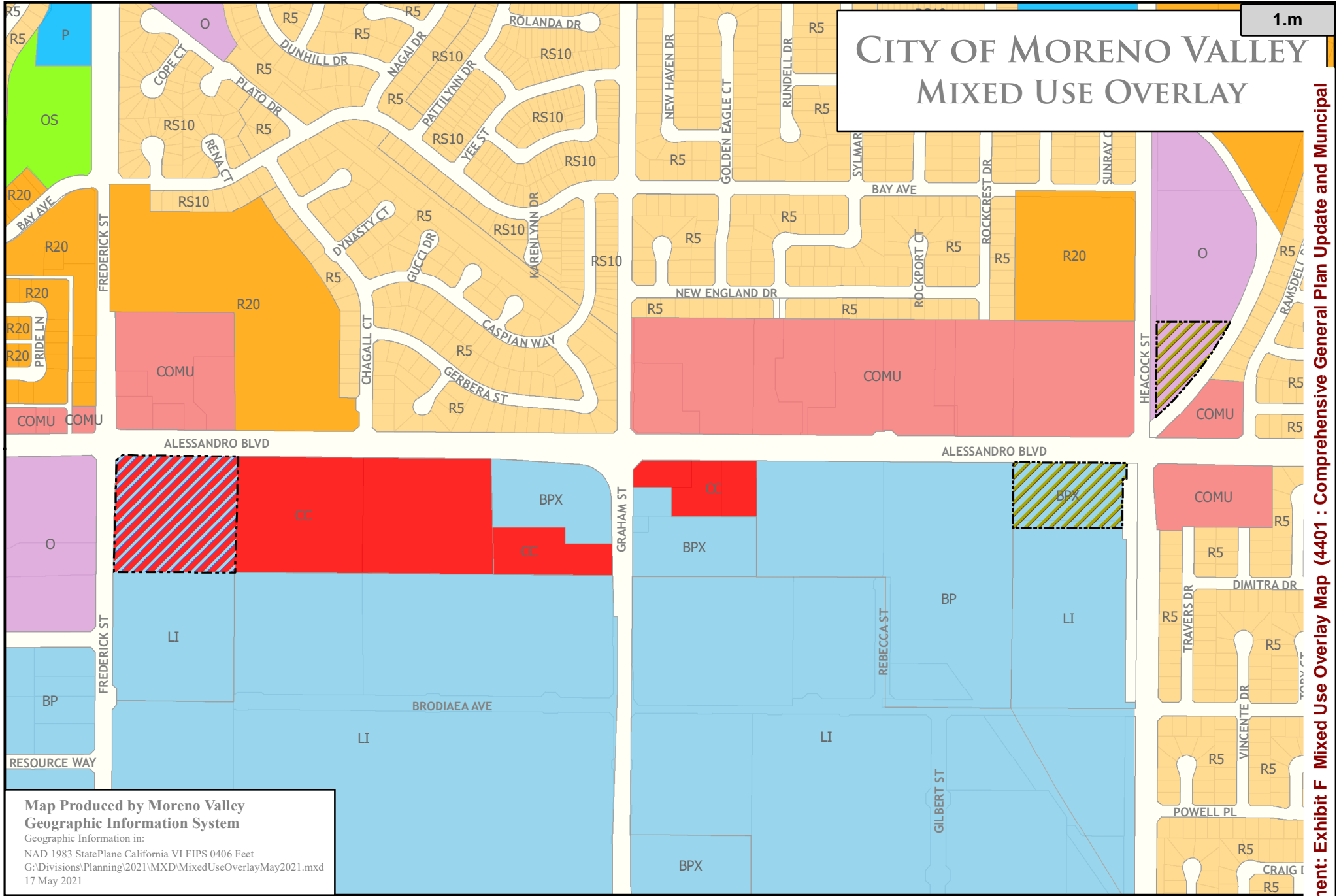


City of Moreno Valley Geographic Information in:  
 State Plane NAD 83 California Zone 6 Feet  
 Aerial Image Date: 2020  
 G:\Divisions\Planning\2021\MXD\PakoMay2021.mxd  
 May 17, 2021

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# CITY OF MORENO VALLEY MIXED USE OVERLAY



**Map Produced by Moreno Valley Geographic Information System**  
 Geographic Information in:  
 NAD 1983 StatePlane California VI FIPS 0406 Feet  
 G:\Divisions\Planning\2021\MXD\MixedUseOverlayMay2021.mxd  
 17 May 2021

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- MUI
- MUN
- 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
- Parcels

