

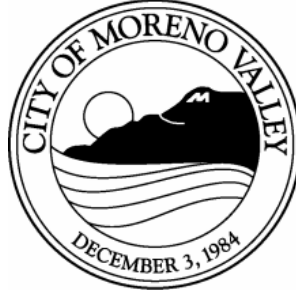
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**PLANNING COMMISSIONERS**

ALVIN DEJOHNETTE  
Chairperson

MATTHEW CHEN  
Vice Chairperson

JEFFREY SIMS  
Commissioner



OMAR COBIAN  
Commissioner

VACANT  
Commissioner

VACANT  
Commissioner

VACANT  
Commissioner

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# **PLANNING COMMISSION Regular Meeting**

## **Agenda**

**Thursday, May 12, 2022 at 7:00 PM  
City Hall Council Chamber – 14177 Frederick Street**

### **CALL TO ORDER**

### **ROLL CALL**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

### **PUBLIC COMMENTS PROCEDURE**

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

### **PUBLIC COMMENTS**

### **CONSENT CALENDAR**

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

1. Planning Commission Minutes – Regular Meeting – April 28, 2022 7:00 PM

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

## NON-PUBLIC HEARING ITEMS

No items for discussion.

## PUBLIC HEARING ITEMS

1. Case: PEN21-0149 (Conditional Use Permit)

Applicant: Mark Malatesta

Property Owner: ET Tacos Inc.

Representative: Mark Malatesta

Location: 23030 Sunnymead Boulevard, at the northeast corner of Sunnymead Boulevard and Frederick Street

Case Planner: Malinda Lim

Council District: 1

Proposal: A Conditional Use Permit for the operation of a Commercial Cannabis Dispensary within the existing 2,735 square-foot portion of the Vista Paint building that will be converted into a new tenant suite.
  
2. Case: PEN21-0249 (Conditional Use Permit)

Applicant: Element 7 (E7) Moreno Valley, LLC, Robert DiVito

Property Owner: Daryoush Khani

Location: 24471 Sunnymead Boulevard, on the south side of Sunnymead Boulevard, approximately 100 feet west of Indian Street

Case Planner: Malinda Lim

Council District: 1

Proposal: A Conditional Use Permit for the operation of a Commercial Cannabis Dispensary within an existing 2,400 square-foot suite in the Sundance Plaza.
  
3. Case: PEN22-0087 - Municipal Code Amendments Title 9 (Planning and Zoning)

Applicant: City of Moreno Valley

Case Planner: Sean P. Kelleher

Council District: All Districts  
Proposal The proposed Omnibus Municipal Code amendment includes various updates and text clean-ups for the purpose of clarifying and streamlining various development standards within Title 9 Planning and Zoning, which include Chapter 9.02 Permits and Approvals, Chapter 9.09 Specific Use Development Standards, Chapter 9.13 Specific Plans, Chapter 9.14 Land Divisions, and Chapter 9.16 Design Guidelines.

**OTHER COMMISSION BUSINESS**

No items for discussion.

**STAFF COMMENTS**

**PLANNING COMMISSIONER COMMENTS**

**ADJOURNMENT**

Planning Commission Regular Meeting, May 26, 2022 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

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

**REGULAR MEETING – 7:00 PM  
April 28, 2022**

**CALL TO ORDER**

**ROLL CALL**

Planning Commission:	Omar Cobian	Commissioner	Present
	Jeffrey Sims	Commissioner	Present
	Matthew Chen	Vice-Chairman	Present
	Alvin DeJohnette	Chairman	Present

**PLEDGE OF ALLEGIANCE**

Vice-Chairman Chen led the pledge of allegiance.

**APPROVAL OF AGENDA**

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Matthew Chen, Vice Chairman  
**SECONDER:** Omar Cobian, Commissioner  
**AYES:** Matthew Chen, Omar Cobian, Alvin DeJohnette, Jeffrey Sims

**PUBLIC COMMENTS PROCEDURE**

**PUBLIC COMMENTS**

Speakers  
Kathleen Dale

**CONSENT CALENDAR**

1. Planning Commission - Regular Meeting - Apr 14, 2022, 7:00 PM

**NON-PUBLIC HEARING ITEMS**

No items for discussion.

**PUBLIC HEARING ITEMS**

1. Conditional Use Permit (PEN21-0254) for the operation of a cannabis microbusiness within an existing 2,520 square foot building. (Report of: Planning Commission)
  - A. Staff recommends that the Planning Commission take the following actions:
    1. **APPROVE** Resolution No. 2022-20, and thereby:

- a) **DETERMINE** that Conditional Use Permit PEN21-0254 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 1 Exemption (Section 15301, Existing Facilities); and
- b) **APPROVE** Conditional Use Permit PEN21-0254 subject to the attached Conditions of Approval as Exhibit A to the Resolution.

**Public Hearing Opened: 7:18 PM**

Speakers  
 Roy Bleckert  
 Tom Jerele

**Public Hearing Closed: 7:24 PM**

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Jeffrey Sims, Commissioner  
**SECONDER:** Alvin DeJohnette, Chairman  
**AYES:** Jeffrey Sims, Alvin DeJohnette, Matthew Chen, Omar Cobian

- 1. Tentative Tract Map 34544 to subdivide 9.4 acres into 23 air spaces for condominium purposes and a plot plan for the development of the Cottonwood Village project consisting of 23 four-plex buildings (Report of: Planning Commission)

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

- 1. **APPROVE** Resolution No. 2022-26, and thereby:
  - a) **APPROVE** the Initial Study/Mitigated Negative Declaration prepared for Tentative Tract Map No. 34544 (PEN22-0010) and Plot Plan (PEN21-0127) (Proposed Project) on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the Proposed Project’s potential environmental impacts; and
  - b) **ADOPT** the Mitigation Monitoring and Reporting Program prepared for the Tentative Tract Map No. 34544 (PEN22-0010) and Plot Plan (PEN21-0127) (Proposed Project) pursuant to CEQA and the CEQA Guidelines.
- 2. **ADOPT** Resolution No.2022-27, and thereby:
  - a) **APPROVE** Tentative Tract Map No. 34544 (PEN22-0010) and Plot Plan (PEN21-0127) (Proposed Project) based on the Recitals, Evidence

Minutes Acceptance: Minutes of Apr 28, 2022 7:00 PM (CONSENT CALENDAR)

contained in the Administrative Records, and Findings set forth in Resolution No. 2022-27.

**Public Hearing Opened: 7:54 PM**

Speakers

Kathleen Dale  
Roy Bleckert  
Pete Bleckert  
Bryan Sotomayor  
Tom Jerele  
Jesus Cervantes

**Public Hearing Closed: 8:10 PM**

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Jeffrey Sims, Commissioner  
**SECONDER:** Omar Cobian, Commissioner  
**AYES:** Jeffrey Sims, Omar Cobian, Alvin DeJohnette, Matthew Chen

**OTHER COMMISSION BUSINESS**

No items for discussion.

**STAFF COMMENTS**

Interim City Attorney presented two items to the Commission:

- 1) SB9, which took effect January 1, 2022, allows owners to build duplexes and fourplexes; Several cities have challenged the bill's constitutionality, but it remains in effect, though it may be reversed.
- 2) The Court of Appeals heard a case in San Diego and held that projects given density incentives, including affordable housing, cities are prohibited from imposing development standards that restrict their design.

Commissioner Sims asked who the plaintiffs in the SB9 challenge were. Interim City Attorney responded that it is cities such as Beverly Hills and those with low-density uses.

**PLANNING COMMISSIONER COMMENTS**

Vice-Chairman Chen thanks staff and compliments efforts placed in preparing and vetting projects.

**ADJOURNMENT**

There being no further business to come before the Planning Commission, Chairman DeJohnette adjourned the meeting at 8:32 PM.

Submitted by:

Approved by:

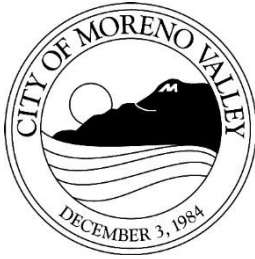
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Daniela Sanchez  
Planning Commission Secretary

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Alvin DeJohnette  
Chairperson

Minutes Acceptance: Minutes of Apr 28, 2022 7:00 PM (CONSENT CALENDAR)



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: May 12, 2022

A CONDITIONAL USE PERMIT FOR THE OPERATION OF A COMMERCIAL CANNABIS DISPENSARY WITHIN THE EXISTING 2,735 SQUARE-FOOT PORTION OF THE VISTA PAINT BUILDING THAT WILL BE CONVERTED INTO A NEW TENANT SUITE.

Case: PEN21-0149 (Conditional Use Permit)

Applicant: Mark Malatesta

Property Owner: ET Tacos Inc.

Representative: Mark Malatesta

Location: 23030 Sunnymead Boulevard, at the northeast corner of Sunnymead Boulevard and Frederick Street

Case Planner: Malinda Lim

Council District: 1

Proposal: A Conditional Use Permit for the operation of a Commercial Cannabis Dispensary within the existing 2,735 square-foot portion of the Vista Paint building that will be converted into a new tenant suite.

#### **SUMMARY**

The Applicant, Mark Malatesta, representing Moreno Valley Sunnymead, LLC, is requesting approval of a Conditional Use Permit (“CUP”) to operate a Commercial Cannabis Dispensary. (“Proposed Project”) The Proposed Project is located within a 2,735 square-foot portion of the Vista Paint building that will be converted into a new suite at 23030 Sunnymead Boulevard (“Project Site”) within the Corridor Mixed Use (COMU) District and Village Specific Plan (SP 204), Village Commercial Residential (VCR) District.



## **BACKGROUND**

### **A. Maximum Number**

Section 9.09.290 of the Municipal Code provides that commercial cannabis land use activities (such as the Proposed Project) are conditionally permitted on, but not limited to, lands zoned Community Commercial (CC) District. In other words, each type of activity must be located in a permitted zone within the City, as set forth in Title 9 (Planning and Zoning) of the Municipal Code, and each activity requires a CUP issued by the Planning Commission.

Currently, the City permits the approval of a maximum of twenty-five (25) dispensaries throughout the City. The table below identifies, amongst other things, 1) the maximum number of CUPs that may be issued for the entire City for each type of commercial cannabis business activity, and 2) the number of CUPs issued so far for each commercial cannabis business activity.

<b>Types of Commercial Cannabis Activities</b>	<b>Number of Permits Allowed</b>	<b>Number of Provisional Business Permits Issued</b>	<b>Number of Conditional Use Permit Applications Submitted</b>	<b>Number of Conditional Use Permit Applications Pending Review</b>	<b>Number of Conditional Use Permit Applications Approved</b>
<b>Dispensaries</b>	25	25	23	3	20
<b>Testing Facilities</b>	1	0	0	0	0
<b>Cultivation</b>	5	5	3	3	0
<b>Microbusinesses</b>	7	6	5	2	3
<b>Distribution</b>	2	2	2	1	1
<b>Manufacturing</b>	3	2	2	2	0

### **B. PROPOSED PROJECT**

#### **Project Description**

The Applicant proposes to operate a Commercial Cannabis Dispensary for on-site sales. The proposed tenant improvements will include subdividing the existing Vista Paint building into two suites, creating a new 2,735 square foot suite with its own exterior entrance, stairwell, and elevator. The new suite will occupy the second floor and include new full-height wall partitions to establish a lobby, dispensing area, retail area, office, restroom, employee break area, and secured storage area.

#### **Surrounding Area**

The Project Site is a single developed parcel with access from Sunnymead Boulevard. The Project Site is located within the Corridor Mixed Use (COMU) District and Village Specific Plan (SP 204), Village Commercial Residential (VCR) District, which allows for the proposed use with the approval of a CUP. The Project Site is currently developed with a drive-thru restaurant and retail paint store, Vista Paint. The Vista Paint building is proposed to be internally subdivided to allow for the Commercial Cannabis Dispensary. The Project Site is bounded on the north and west by State Route 60, Frederick

Street/Pigeon Pass Road, and the westbound State Route 60 off-ramp, on the south by a vehicle service station, and on the east by property within the Corridor Mixed Use (COMU) District and Village Specific Plan (SP 204), Community Commercial (CC) District, and the Corridor Mixed Use (COMU) District and Village Specific Plan (SP 204), Village Commercial Residential (VCR) District.

### **Access/Parking**

An existing driveway provides access to the center along Sunnymead Boulevard. As the Proposed Project will occupy a portion of an existing retail space, no additional parking is required.

### **Design/Landscaping**

Exterior improvements include new paint on the front side of the building (south elevation), a new entry to the right of the existing Vista Paint entrance, and a cement plaster framed canopy over the new entry are proposed. The new canopy will help to distinguish The Bakery from the Vista Paint store. Any landscaping damaged during construction will be required to be replaced in kind.

## **C. Project Entitlements**

### **Status of Provisional Commercial Cannabis Regulatory Permit**

On December 2, 2020, the Applicant was issued a Provisional Commercial Cannabis Regulatory Permit (Provisional CCRP) for a Commercial Cannabis Dispensary. The Applicant will apply for the Commercial Cannabis Dispensary license issued by the State Bureau of Cannabis Control should the Planning Commission approves the CUP application.

### **CONDITIONAL USE PERMIT APPLICATION**

The Applicant requests approval for a CUP to operate a 2,735 square-foot Commercial Cannabis Dispensary. All operations would be consistent with all applicable federal, state, and local requirements, including all applicable provisions of Municipal Code Section 9.09.290 (Commercial Cannabis Activities) and Chapter 5.05 (Commercial Cannabis Regulatory Permit).

- **Safety and Security Plans**

The proposed security measures are similar to other cannabis businesses and comply with the provisions of Section 9.09.290 (Commercial Cannabis Activities) of the Municipal Code. The Applicant provided a safety and security plan to the City, which provides that employees will be trained to learn the policies and proper procedures for the handling and disposing of cannabis products and how to handle site security for employees, customers, and the public. The safety and security plan also includes provisions for on-site security guards, the installation of external smoke alarms around the building, on-site safety and security

signage, parking lot lighting, secured parking area for deliveries, a video surveillance system, and procedures for the transfer of product and currency. A condition of approval has also been included that requires the Applicant to provide all video recordings to the City's Police and Fire Departments upon request.

- Odor Control Plan

An Odor Control Plan has been prepared in conformance with City requirements to ensure abatement of all potential odors that could emanate from the business. The Applicant will install and maintain an exhaust air filtration system with odor control such as carbon scrubbers and creates negative air pressure. Additionally, air curtains and living plants will be incorporated into the design of the control plan. The Building & Safety Division staff will review and permit the air filtration system as part of the tenant improvement plans for the heating, ventilation, and air conditioning (HVAC) systems for the proposed dispensary. In addition, staff is requiring that automatic closures shall be installed on all interior and exterior doors and that all roof venting, wall penetrations, panel joints, etc., be sealed to prevent odors from migrating outside of the dispensary.

### **Commercial Cannabis State License**

The Applicant plans to apply for the necessary State cannabis licenses if the CUP is ultimately approved by the City.

### **Final Commercial Cannabis Regulatory Permits**

The Proposed Project's Provisional CCRP will become a Final CCRP and become effective upon such time that the Applicant: 1) obtains a CUP pursuant to Chapter 9.09.290 (Commercial Cannabis Activities); 2) obtains a City Business License pursuant to Chapter 5.02 (Business Licenses); 3) obtains a Certificate of Occupancy issued by the City's Building & Safety Department; 4) registers its commercial cannabis business with the City's Tax Administrator pursuant to Chapter 3.28 (Commercial Cannabis Activity Tax); 5) obtains the appropriate Commercial Cannabis State License issued by the California Department of Cannabis Control; 6) obtains (if necessary) all other relevant and necessary regulatory permits, licenses and regulations within the purview of the California Department of Food and Agriculture, the California Department of Public Health and any other relevant state agencies; and 7) obtains a State Sellers Permit from the California Department of Tax and Fee Administration.

### **REVIEW PROCESS**

The Applicant has worked with staff and modified the proposed plans to the satisfaction of all City Departments. Based on the staff's review, it was determined that the Proposed Project would be consistent with the City's requirements, subject to the conditions of approval in the attached Resolution.

### **ENVIRONMENTAL**

Staff recommends that the Planning Commission find that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines as a Class 1 Exemption (Section 15301, Existing Facilities). Pursuant to the California Code of Regulations, a Class 1 Exemption can be applied to a project when the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Proposed Project has been found to meet all of the conditions of the Class 1 Exemption as the Proposed Project involves interior and exterior alterations and no expansion of use.

### **NOTIFICATION**

Consistent with the City's Municipal Code provisions, public notice was sent to all property owners of record within 600 feet of the Project Site, posted on the Project Site, and published in the Press-Enterprise Newspaper.

### **REVIEW AGENCY COMMENTS**

The Proposed Project's application materials were circulated for review by all appropriate City Departments and Divisions as well as applicable outside agencies.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2022-29, and thereby:

1. **DETERMINE** that Conditional Use Permit PEN21-0149 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 1 Exemption (Section 15301, Existing Facilities); and
2. **APPROVE** Conditional Use Permit PEN21-0149 subject to the attached Conditions of Approval included as Exhibit A.

Prepared by:  
Malinda Lim  
Contract Planner

Approved by:  
Sean P Kelleher  
Planning Division Manager

### **ATTACHMENTS**

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

1. Resolution No. 2022-29 Conditional Use Permit
2. Project Plans
3. Zoning Map

## RESOLUTION NUMBER 2022-29

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (PEN21-0149) FOR A NEW CANNABIS DISPENSARY “THE BAKERY,” LOCATED AT THE NORTHEAST CORNER OF FREDERICK STREET AND SUNNYMEAD BOULEVARD (APN: 292-250-028)

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

**WHEREAS**, Moreno Valley Sunnymead, LLC (“Applicant”) has filed an application for the approval of a Conditional Use Permit PEN21-0149 (“Application”) for a Commercial (retail) Cannabis Dispensary (“Proposed Project”) located at the northeast corner of Frederick Street and Sunnymead Boulevard (APN: 292-250-028) (“Project Site”); and

**WHEREAS**, Section 9.09.290 (Commercial Cannabis Activities) provides that a limited number of commercial cannabis dispensaries may be allowed within the Corridor Mixed Use (COMU) District within the Village Specific Plan (SP 204) and Village Commercial Residential (VCR) District, with a properly secured conditional use permit approved through the Planning Commission; and

**WHEREAS**, Section 9.02.060 (Conditional Use Permits) of the Moreno Valley Municipal Code acknowledges that the purpose of conditional use permits is to allow the establishment of uses that may have special impacts or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location and that the conditional use permit application process involves the review of location, design and configuration of improvements related to the project, and the potential impact of the project on the surrounding area based on fixed and established standards; and

**WHEREAS**, the Application has been evaluated in accordance with Section 9.02.060 (Conditional Use Permits) of the Municipal Code with consideration given to the City’s General Plan, Zoning Ordinance, and other applicable laws and regulations; and

**WHEREAS**, Section 9.02.060 of the Municipal Code imposes conditions of approval upon projects for which a Conditional Use Permit is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the site is used and any other conditions as may be deemed necessary to protect the public health, safety and welfare to ensure that the proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

**WHEREAS**, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code Section 65905, a public hearing was scheduled for May 12, 2022, and notice thereof was duly published and posted, and mailed to all property owners of record within 600 feet of the Project Site; and

**WHEREAS**, on May 12, 2022, the public hearing to consider the Application 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**, consistent with the requirements of Section 9.02.060 (Conditional Use Permits) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Conditional Use Permit PEN21-0149 (“CUP”), which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety and welfare and to ensure the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

**WHEREAS**, at the public hearing, the Planning Commission reviewed and considered the Planning Division’s recommendation that the Proposed Project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) as set forth in Public Resources Code Sections 21000 – 21177 and the CEQA Guidelines as set forth in 14 California Code of Regulations Sections 15000-15387, under CEQA Guidelines<sup>1</sup> Section 15301 (Existing Facilities) which would apply to the Proposed Project since the Proposed Project has been found to meet all of the conditions of the Class 1 exemption as the Proposed Project involves interior alterations and no expansion of use; and

**WHEREAS**, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.060 of the Municipal Code and set forth herein could be made with respect to the Proposed Project as conditioned by the Conditions of Approval.

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

**Section 1. Recitals and Exhibits**

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

**Section 2. Notice**

That pursuant to Government Code section 66020(d)(1), notice is hereby given that the proposed project is subject to certain fees, dedications, reservations and other exactions as provided herein.

**Section 3. Evidence**

That the Planning Commission has considered all of the evidence submitted into the administrative record for the Proposed Project (Conditional Use Permit), including, but not limited to, the following:

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<sup>1</sup> 14 California Code of Regulations §§15000-15387

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Municipal Code and all other relevant provisions referenced therein;
- (c) Application for the approval of a Conditional Use Permit PEN21-0149 and all documents, records and references contained therein;
- (d) Conditions of Approval for Conditional Use Permit PEN21-0149, attached hereto as Exhibit A;
- (e) Staff Report prepared for the Planning Commission's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearing;
- (f) Staff's determination that the proposed Project is categorically exempt in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines;
- (g) Testimony and/or comments from Applicant and its representatives during the public hearing; and
- (h) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the public hearing.

#### **Section 4. Findings**

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

#### **Section 5. Determination of Categorical Exemption**

That the Planning Commission hereby determines that the Proposed Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities).

#### **Section 6. Notice of Exemption**

That the Planning Division is hereby directed to prepare, execute, and file a Notice of Exemption as required by Section 5.2 (Noticing Requirements) of the City's Rules and Procedures for the Implementation of the California Environmental Quality Act and CEQA Guidelines Section 15062.

#### **Section 7. Approval**

That based on the foregoing Recitals, Administrative Record and Findings, the Planning Commission hereby approves the Proposed Project (Conditional Use Permit PEN21-0149) subject to the Conditions of Approval for Conditional Use Permit PEN21-0149, attached hereto as Exhibit A.

**Section 8. 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 9. 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 10. Effective Date**

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

**Section 11. Certification**

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

**PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF MAY, 2022.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

\_\_\_\_\_  
Alvin Dejohnette, Chairperson

ATTEST:

\_\_\_\_\_  
Sean P. Kelleher, Planning Official

APPROVED AS TO FORM:

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

Exhibits:  
Exhibit A: Conditions of Approval

Attachment: Resolution No. 2022-29 Conditional Use Permit [Revision 4] (5738 : PEN21-0149 The Bakery Cannabis Dispensary)



**Exhibit A**

**CONDITIONS OF APPROVAL**

**Attachment: Resolution No. 2022-29 Conditional Use Permit [Revision 4] (5738 : PEN21-0149 The Bakery Cannabis Dispensary)**

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**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0149)

Page 1

CITY OF MORENO VALLEY  
 CONDITIONS OF APPROVAL  
 Conditional Use Permit (PEN21-0149)

EFFECTIVE DATE:

EXPIRATION DATE:

**COMMUNITY DEVELOPMENT DEPARTMENT**Planning Division

1. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
2. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
3. In the event the use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code.
4. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: ( i ) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.
5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
6. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan,

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0149)

Page 2

and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)

7. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
8. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
9. This project is located within The Village Specific Plan 204. The provisions of the specific plan, the design manual, their subsequent amendments, and the Conditions of Approval shall prevail unless modified herein. (MC 9.13)

Special Conditions

10. The commercial cannabis dispensary shall be consistent with all other applicable federal, state and local requirements including the Moreno Valley Municipal Code Title 5 and Title 9, and all related Municipal Code sections.
11. The cannabis licensee shall display its current valid Commercial Cannabis Business Permit under Chapter 5.05 of this Code and a Conditional Use Permit issued in accordance with this chapter inside the lobby or waiting area of the main entrance to the site. The permits shall be displayed at all times in a conspicuous place so that it may be readily seen by all persons entering the site. (MC 9.09.290 (D)(2)(c))
12. All City Fire, Police and Code personnel shall have unlimited and unrestricted property access for inspections of commercial cannabis businesses and facilities during business hours. (MC 9.09.290 (D)(2)(g))
13. Security surveillance cameras and a video recording system must be installed to monitor all doors into and out of the buildings on the site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights-of-way. The camera and recording systems must be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the site. The recording system must be capable of exporting the recorded video in standards MPEG formats to another common medium, such as a DVD or USB drive. (MC 9.09.290 (E)(12)(a))
14. All windows on the building that houses the Cannabis Facility shall be appropriately secured and all cannabis and marijuana securely stored.
15. A copy of all pages of these conditions shall be included in the construction drawing package.
16. The commercial cannabis operation shall have a valid Commercial Cannabis Business Permit and shall comply with all requirements of Moreno Valley Municipal Code Chapter 5.05 prior to issuance of occupancy permits.
17. No person associated with this commercial cannabis dispensary shall cause or permit the sale, dispensing or consumption of alcoholic beverages or the sale of tobacco products on or

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0149)

Page 3

- within 50 feet of the premises of a cannabis business. (MC 9.09.290 (D)(2)(b))
18. All operations conducted and equipment used must be in compliance with all applicable state and local regulations, including all building, electrical and fire codes. (MC 9.09.290 (E)(7)(b))
  19. Professionally and centrally monitored fire, robbery, and burglar alarm systems must be installed and maintained in good working condition. The alarm system must include a private security company that is required to respond to every alarm. (MC 9.09.290 (E)(12)(b))
  20. The site has been approved for a commercial cannabis retail dispensary, located at 23030 Sunnymead Boulevard (approximately 2,735 square feet) per the approved plans and per the requirements of the City's Municipal Code (MC) Section 9.09.290 Commercial cannabis activities, 9.09.293 Cannabis Business locations and use, and 5.05 Commercial Cannabis Activity. A change or modification to the interior design/set-up, exterior elevations or business process (including security procedures) shall require separate review and approval. For a Conditional Use Permit, violation may result in revocation in the case of a Conditional Use Permit per MC Section 9.09.290 F and 9.02.260.
  21. A licensee conducting a commercial cannabis dispensary shall meet all applicable operational requirements for retail/commercial cannabis dispensaries. (MC 9.09.290 (E)(4))
  22. No person shall smoke, ingest, or otherwise consume cannabis in any form on, or within twenty (20) feet of, the dispensary site. (MC 9.09.290 (E)(4)(f))
  23. The commercial cannabis dispensary shall have designated locked storage on the dispensary property for after-hours storage of medical and adult use recreational cannabis and cannabis infused products. All cannabis and cannabis infused products shall be stored at the dispensary property in secured rooms that are completely enclosed or in a safe that is bolted to the floor (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel). (MC 9.09.290 (E)(4)(c))
  24. Waste and storage and disposal of all cannabis and marijuana products shall meet all applicable state and local health regulation. (MC 9.09.290 (E)(13))
  25. The cannabis license and the Conditional Use Permit, apply only to the 2,735 square foot existing building at 23030 Sunnymead Boulevard. No use of any other tenant space, outside of the 2,735 square foot existing building is allowed per Conditional Use Permit PEN21-0149.
  26. Daily hours of operation for the dispensary may start no earlier than 6:00 am and end no later than 10:00 pm, Sunday through Saturday.
  27. No commercial cannabis dispensary owner or employee shall: ( i) cause or permit the sale, distribution, or consumption of alcoholic beverages on the dispensary property (ii) hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages; or (iii) operate a business on or adjacent to the dispensary property that sells alcoholic beverages. No alcoholic beverages shall be allowed or stored on the dispensary property. (MC 9.09.290 (E) (4 )(g))
  28. No cannabis or marijuana materials or products shall be visible from the exterior of any structure, facility, or building in which commercial cannabis dispensaries are being conducted. All commercial cannabis dispensaries must take place within a fully enclosed,

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0149)

Page 4

- secured and permanent structure (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel). (MC 9.09.290 (E)(6)(c))
29. The premises must be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside the Cannabis Business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the Cannabis Business. As such, Cannabis Businesses must install and maintain the following equipment or any other equipment which the Local Licensing Authority determines has the same or better effectiveness:
    - a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or
    - b. An air system that creates negative air pressure between the Cannabis Businesses' interior and exterior so that the odors generated inside the Cannabis Business are not detectable outside the Cannabis Business.
  30. All Cannabis heating, ventilation, air conditioning and odor control plans and blue prints shall be stamped by a Licensed HVAC Mechanical Engineer.
  31. All window arrays, doors and associated framing systems shall be renovated to install new glazing compounds and seals.
  32. Automatic closures on all interior and exterior doors shall be installed.
  33. All interior and exterior door seals shall be replaced and adjusted.
  34. All roof venting, wall penetrations, panel joints etc. shall be sealed.
  35. Air curtains shall be installed on all exterior doors.
  36. Two secured parking spaces, identified on a plot plan shall be located convenient the required secured area of each facility to be used by secured transfer vehicles involved in the couriering or dispensing of cannabis materials products to and from the facility and for use by any secured vehicle commissioned for the transfer of currency to and from the facility. (MC 9.09.290 (E)(9)(f))
  37. Licensee shall prohibit loitering by individuals outside the licensed premises or anywhere on the property. (MC 9.09.290 (E)(14)(c))
  38. Licensee shall remove any graffiti from the licensed premises within twenty-four (24) hours of its occurrence, or as requested by the city. (MC 9.09.290 (E)(14)(d))
  39. Exterior landscaping within ten (10) feet of a licensed premises shall be designed, installed and maintained free of locations which could reasonably be used by persons to conceal themselves and/or to enable undesirable activity. The design and maintenance practices shall give appropriate consideration to both natural and artificial illumination. (MC 9.09.290(E)(8)(c))
  40. Prior to issuance of any building permits, final landscaping and irrigation plans shall be

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0149)

Page 5

- submitted for review and approval of any new or repaired landscaping by the Planning Division designed per the City's Municipal Code 9.17.
41. Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation improvements shall be installed, and inspected and approved by the Planning Division. (DC 9.03.040)
  42. The parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards and the Security Plan at all times.
  43. Prior to approval of tenant improvement plans, a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted as part of the Building and Safety Plan Check submittal for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it meets the lighting standards in the Cannabis Ordinance 932. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) Lighting shall comply with the provisions of MC Section 9.08.100 including fixture type, wattage illumination levels and shielding. (MC 9.09.290 (E)(10))
  44. The commercial cannabis operation shall comply with all requirements of Moreno Valley Municipal Code Chapter 5.05 prior to issuance of occupancy permits.
  45. Prior to Building Permit or Certificate of Occupancy, the process for any transfer of product or currency shall be identified in an updated Security Plan to be reviewed and approved by the Planning Division. (MC 9.09.290 (D)(2)(f))
  46. The Security Plan on file with the City of Moreno Valley shall remain in effect as long as the established use is in operation. Any changes, additions, removal or modifications to the plan shall be submitted to the City for review and inclusion in the Conditional Use Permit file.
  47. Prior to approval of tenant improvement plans, the applicant shall submit plans detailing provisions for controlled/secured access into and out of the dispensary area.
  48. Persons under the age of twenty-one (21) years shall not be allowed on the premises. It shall be unlawful and a violation of this chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
  49. Prior to issuance of Certificate of Occupancy or building final, the applicant shall cause the slurry sealing and restriping of the parking lot as determined by the Planning Official. Should the parking lot require slurry sealing and restriping, it shall be inspected and approved by the Planning and Building Divisions.

Building Division

50. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0149)

Page 6

51. Prior to submittal, all new development, is required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
52. Contact the Building Safety Division for permit application submittal requirements.
53. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m. (except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first obtained from the Building Official or City Engineer.
54. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
55. The proposed project will be subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance. Contact the water district at 951.928.3777 for specific details.
56. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
57. All remodeled structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
58. Prior to permit issuance, every applicant shall submit a properly completed Waste Management Plan (WMP), as a portion of the building or demolition permit process. (MC 8.80.030)

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

59. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. ( CFC 501.3)
60. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
61. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
62. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central

**CONDITIONS OF APPROVAL**

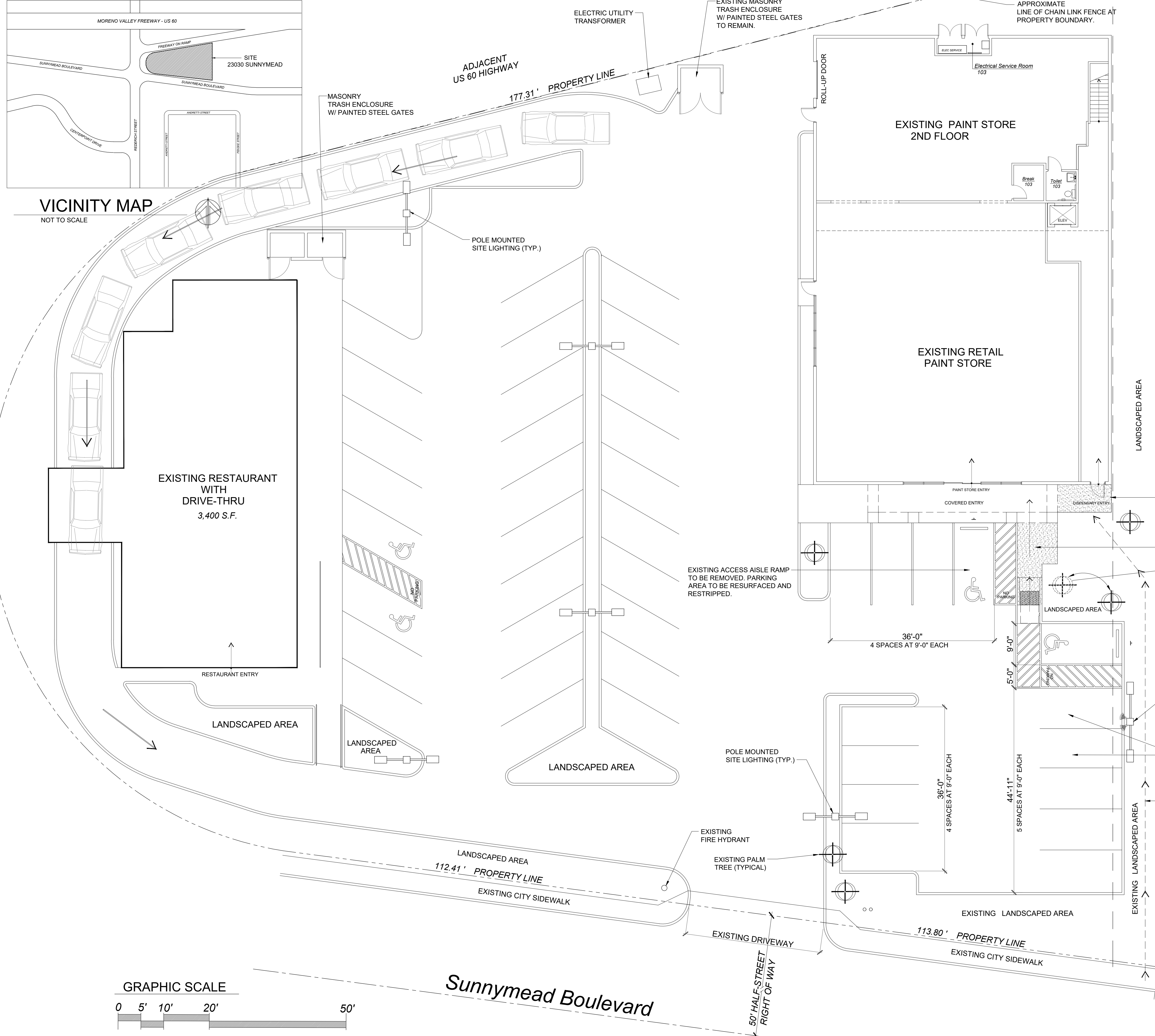
Conditional Use Permit (PEN21-0149)

Page 7

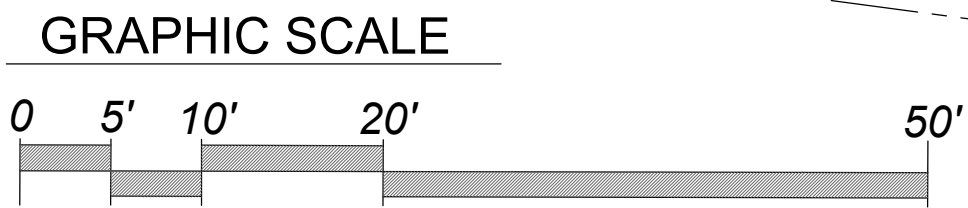
station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)

63. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
64. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
65. Where delayed egress systems are to be installed an approved fire sprinkler and an automatic smoke detection system shall be installed in accordance with the California Building and Fire Code.





**VICINITY MAP**  
NOT TO SCALE

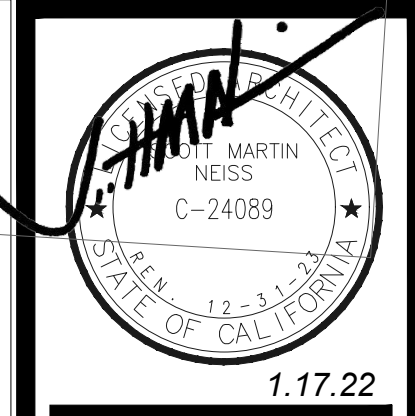


**PROPERTY INFORMATION**

PROPERTY ADDRESS: 23030 Sunnymead Blvd, Moreno Valley  
 APN / PARCEL ID: 292-250-028  
 LEGAL DESCRIPTION: Parcel 1 of parcel map 18174, in the City of Moreno Valley, County of Riverside, State of California, as per plat recorded in book 128 of parcel maps, pages 71 and 72, in the office of the County recorder of said County.  
 ZONING: Commercial  
 PROPERTY TYPE: Commercial Retail  
 PROPERTY SUB-TYPE: Cannabis Dispensary  
 SPECIFIC PLAN: SP204CC  
 FEMA DESIGNATION: Minimum Flood Hazard  
 LOT SIZE: .98 Acres Net 1.48 Acres Gross  
 BUILDING AREA:  
 LOWER LEVEL: 6,533 sq.ft.  
 UPPER LEVEL: 2,735 sq.ft.  
 TOTAL: 9,268 sq.ft.  
 PROJECT DESCRIPTION: Interior renovation of the existing Second Level in the Vista Paint retail store (23030 Sunnymead) into a cannabis dispensary, with associated Office, Intake, employee Break area, Secured Storage and accessible restroom. Included in the renovation is the addition of a new separate entrance into the Dispensary and an elevator.  
 ELECTRIC UTILITY: Moreno Valley Electric Utility  
 WATER UTILITY: Eastern Municipal Water District  
 SCHOOL DISTRICT: Moreno Valley Unified School District  
 ON-SITE PARKING SPACES: 42 SPACES

**PROJECT TEAM**

OWNER: Eddie R. Fischer  
 20202 East Orangethorpe Ave  
 Fullerton, CA 92831  
 APPLICANT: Moreno Valley Sunnymead, LLC  
 34 Tesla Avenue, 2nd Floor  
 Irvine, CA 92618  
 Contact: Kendra Minkler  
 email: kminkler@falconbrands.com  
 ARCHITECT: Ten East studio, LLC  
 6209 East Old Paint Trail  
 Cave Creek, AZ 85331  
 Contact: Scott Neiss  
 email: scottneiss@cox.net



Tenant Improvements for:  
**Moreno Valley Sunnymead, LLC**  
 23030 Sunnymead Blvd.  
 Moreno Valley, CA 92535  
 1.17.22

Job No.	
Drawn	SMN
Checked	SMN
Date	08.26.21
Revised	

**Ten East Studio LLC**  
 Architecture - Planning  
 10 East Ruth  
 Phoenix, AZ 85020  
 Office: (623) 237-0825

**SITE PLAN**  
**A1**

**MORENO VALLEY SITE PLAN**  
 SCALE: 3/32" = 1'-0"

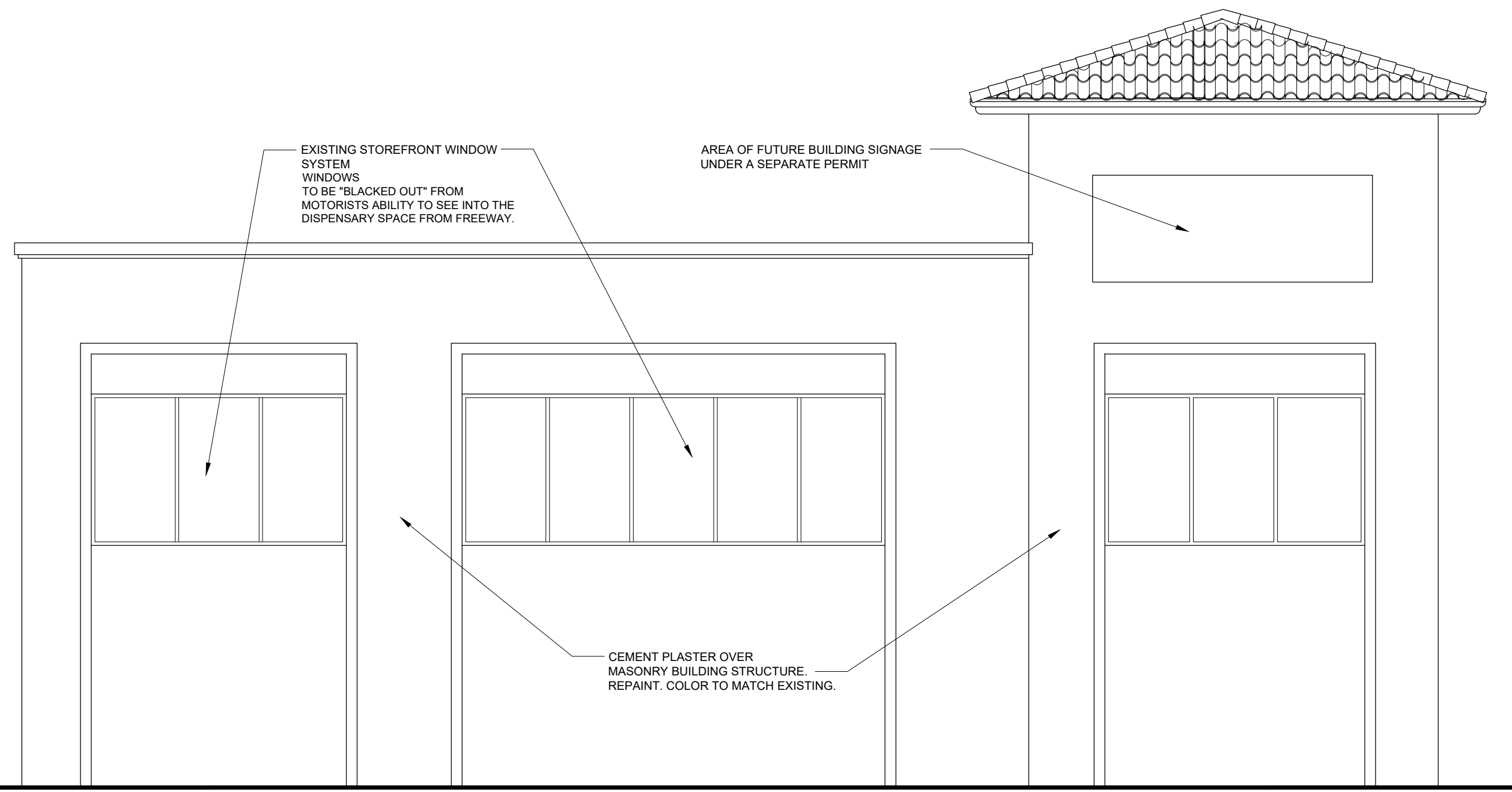
23030 Sunnymead Blvd.  
 Moreno Valley, CA 92535



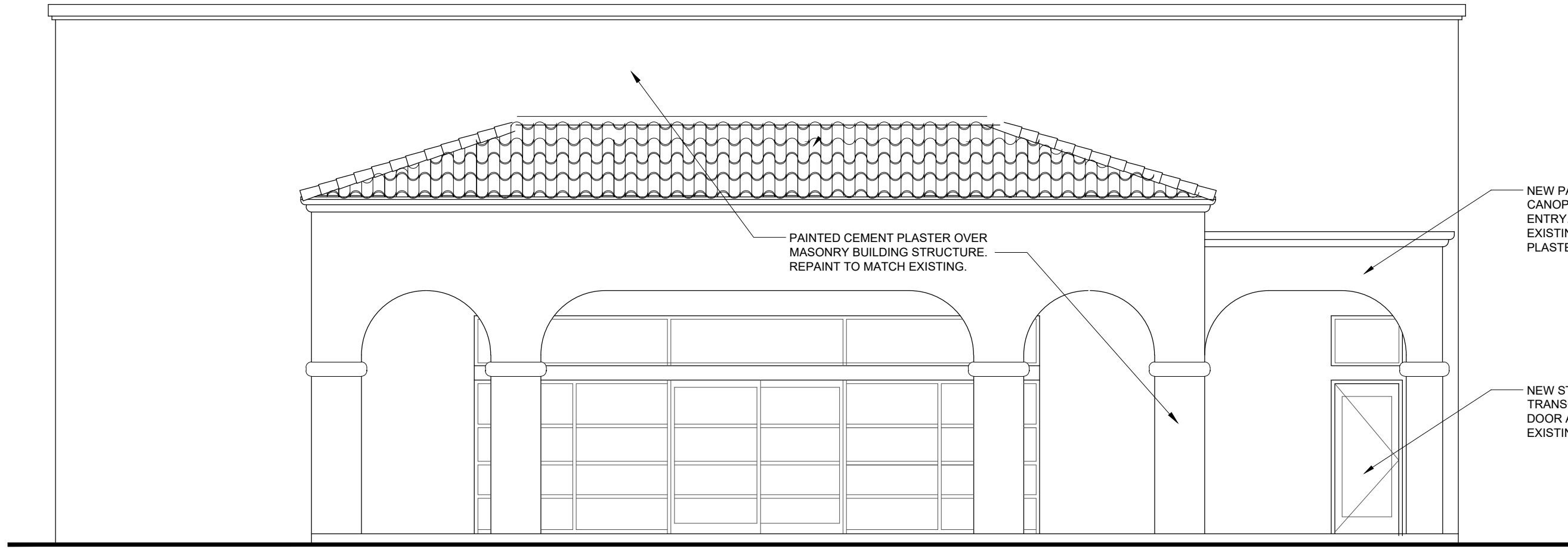
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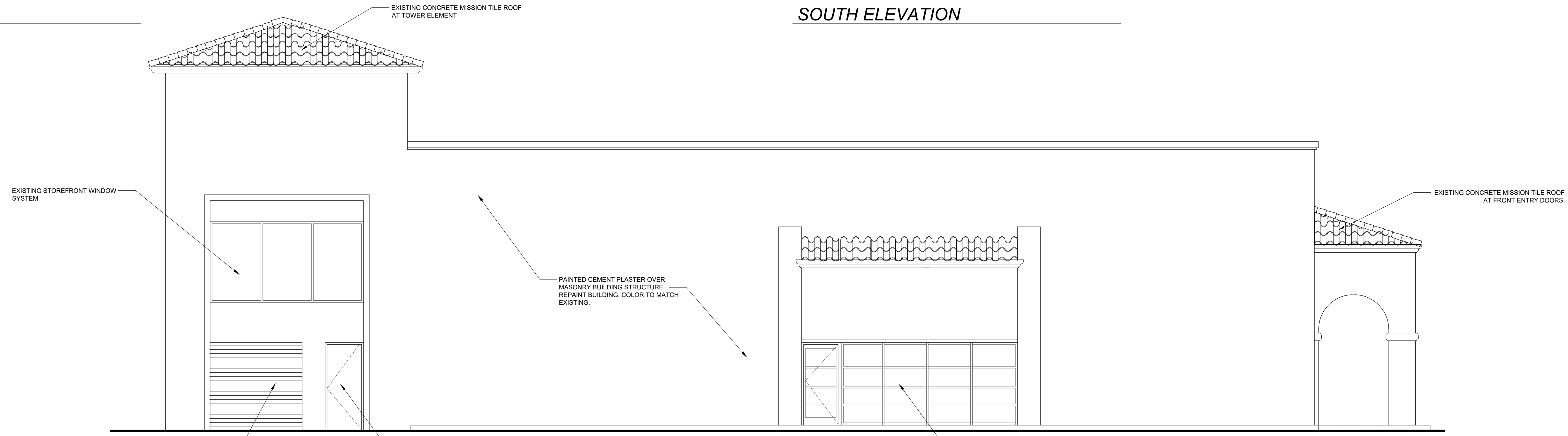




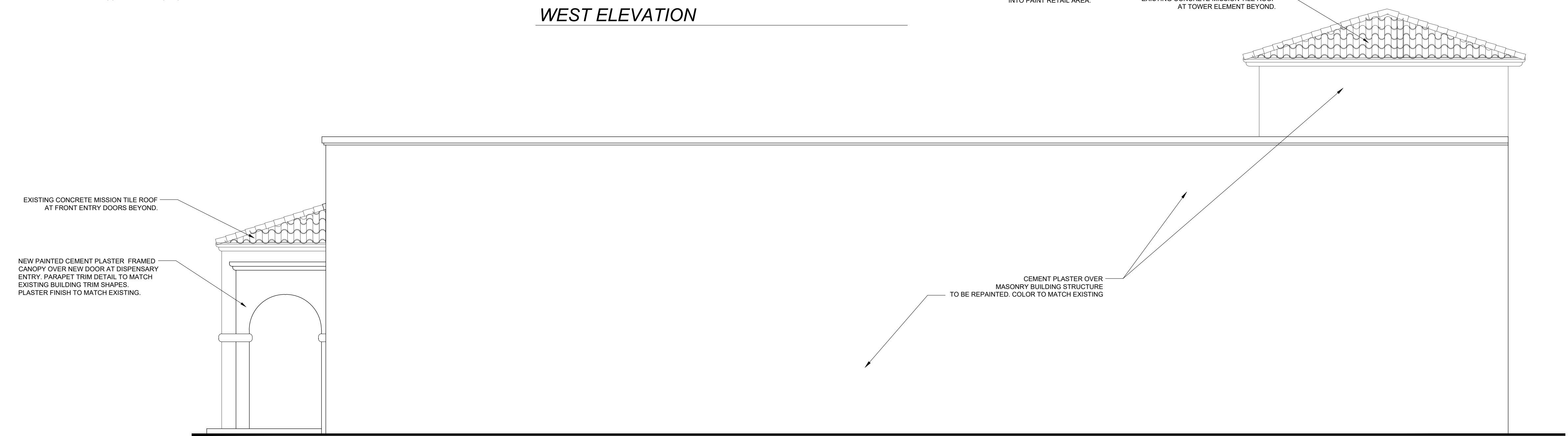
NORTH ELEVATION



SOUTH ELEVATION

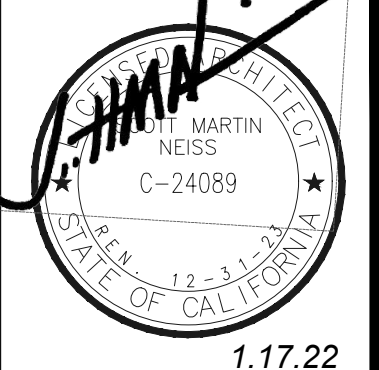


WEST ELEVATION



EAST ELEVATION

THIS DRAWING AND ITS CONTENTS ARE THE PROPERTY OF 10 EAST STUDIOS, LLC. USE THEREOF IS LIMITED TO THE SPECIFIC SITE AND PROJECT SET FORTH ABOVE AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT THE WRITTEN PERMISSION OF 10 EAST STUDIO LLC. THE ARCHITECT. THIS DRAWING IS TO BE RETURNED UPON REQUEST.



1.17.22

Tenant Improvements for  
**Moreno Valley Sunnymead, LLC**  
 23030 Sunnymead Blvd.  
 Moreno Valley, CA 92553

ELEVATIONS

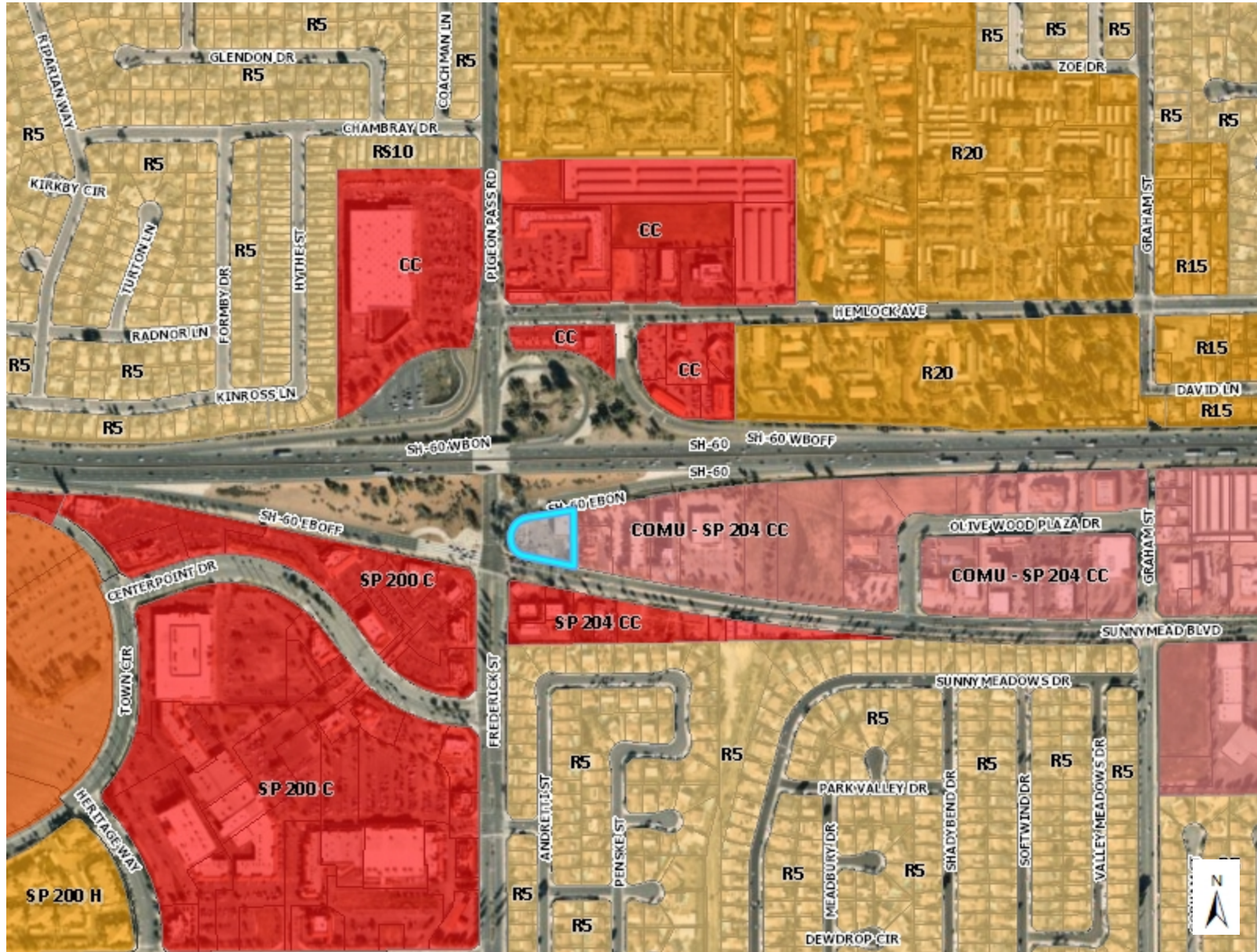
Job No.	
Drawn	SMN
Checked	SMN
Date	08.26.21
Revised	

**Ten East Studio LLC**  
 Architecture - Planning  
 10 East Ruth  
 Phoenix, AZ. 85020  
 Office: (623) 237-0825

ELEVATIONS

A5

# Zoning



### Legend

#### Zoning

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

#### Master Plan of Trails

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

#### Road Labels

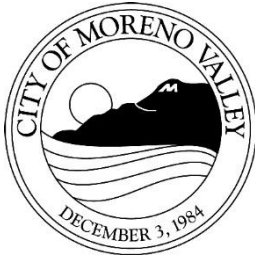
- Parcels
- Image Source: Nearmap

### Notes:

PEN21-0149 The Bakery Dispensary  
CUP

1,232.1 0 616.05 1,232.1 Feet

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



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: May 12, 2022

A CONDITIONAL USE PERMIT FOR THE OPERATION OF A COMMERCIAL CANNABIS DISPENSARY WITHIN AN EXISTING 2,400 SQUARE-FOOT SUITE IN THE SUNDANCE PLAZA.

Case: PEN21-0249 (Conditional Use Permit)

Applicant: Element 7 (E7) Moreno Valley, LLC, Robert DiVito

Property Owner: Daryoush Khani

Location: 24471 Sunnymead Boulevard, on the south side of Sunnymead Boulevard, approximately 100 feet west of Indian Street

Case Planner: Malinda Lim

Council District: 1

Proposal: A Conditional Use Permit for the operation of a Commercial Cannabis Dispensary within an existing 2,400 square-foot suite in the Sundance Plaza.

#### **SUMMARY**

The Applicant, Robert DiVito, representing Element 7 (E7) Moreno Valley, LLC, is requesting approval of a Conditional Use Permit (“CUP”) to operate a Commercial Cannabis Dispensary (“Proposed Project”). The Proposed Project is located within a 2,400 square-foot existing suite at the Sundance Plaza (“Project Site”) within the Corridor Mixed Use (COMU) District and Village Specific Plan (SP 204), Village Commercial Residential (VCR) District.

#### **BACKGROUND**

##### **A. Maximum Number**

Section 9.09.290 of the Municipal Code provides that commercial cannabis land use activities (such as the Proposed Project) are conditionally permitted on, but not limited to, lands zoned Community Commercial (CC) District. In other words, each type of activity must be located in a permitted zone within the City, as set forth in Title 9 (Planning and Zoning) of the Municipal Code, and each activity requires a CUP issued by the Planning Commission.

Currently, the City permits the approval of a maximum of twenty-five (25) dispensaries throughout the City. The table below identifies, amongst other things, 1) the maximum number of CUPs that may be issued for the entire City for each type of commercial cannabis business activity, and 2) the number of CUPs issued so far for each commercial cannabis business activity.

<b>Types of Commercial Cannabis Activities</b>	<b>Number of Permits Allowed</b>	<b>Number of Provisional Business Permits Issued</b>	<b>Number of Conditional Use Permit Applications Submitted</b>	<b>Number of Conditional Use Permit Applications Pending Review</b>	<b>Number of Conditional Use Permit Applications Approved</b>
<b>Dispensaries</b>	25	25	23	3	20
<b>Testing Facilities</b>	1	0	0	0	0
<b>Cultivation</b>	5	5	3	3	0
<b>Microbusinesses</b>	7	6	5	2	3
<b>Distribution</b>	2	2	2	1	1
<b>Manufacturing</b>	3	2	2	2	0

**B. PROPOSED PROJECT**

**Project Description**

The Applicant is requesting approval of a CUP to establish a 2,400 square-foot commercial cannabis dispensary (retail sales only). The Project Site is located at 24471 Sunnymead Boulevard within the Sundance Plaza. Proposed tenant improvements include modifications to the existing floor plan by adding new full-height wall partitions to establish a lobby, dispatch area, retail area, and storage rooms.

**Site/Surrounding Area**

The Project Site is a single developed parcel with access from Sunnymead Boulevard. The Project Site is located within the Corridor Mixed Use (COMU) District and Village Specific Plan (SP 204), Village Commercial Residential (VCR) District, which allows for the proposed use with the approval of a CUP. The Project Site is currently developed as a multi-tenant retail center. The Project Site is bounded on the north, east, and west by properties also within the Corridor Mixed Use (COMU) District and Village Specific Plan (SP 204), Village Commercial Residential (VCR) District which have been developed with similar commercial, retail, and hotel uses. The properties to the south of the Project Site are developed with residential uses and are located within the Residential

20 (R20) District and Village Specific Plan (SP 204), Village Office/Residential (VOR) District.

### **Access/Parking**

An existing driveway provides access to the Sundance Plaza along Sunnymead Boulevard. As the Proposed Project will occupy a portion of an existing retail space, no additional parking is required.

### **Design/Landscaping**

The Applicant proposes keeping the existing design elements and colors of the building consistent with the rest of the Sundance Plaza shopping center. No landscaping improvements are proposed and are maintained by the owner of Sundance Plaza.

### **Project Entitlements**

#### **Status of Provisional Commercial Cannabis Regulatory Permit**

On December 2, 2020, the Applicant was issued a Provisional Commercial Cannabis Regulatory Permit (Provisional CCRP) for a Commercial Cannabis Dispensary. The Applicant will apply for the Commercial Cannabis Dispensary license issued by the State Bureau of Cannabis Control should the Planning Commission approve the CUP application.

#### **CONDITIONAL USE PERMIT**

The Applicant requests approval of a CUP to operate a 2,400 square-foot dispensary. It will be consistent with all applicable federal, state, and local requirements, including all applicable provisions of Municipal Code Section 9.09.290 (Commercial Cannabis Activities) and Chapter 5.05 (Commercial Cannabis Regulatory Permit).

- **Safety and Security Plans**

The proposed security measures are similar to other cannabis businesses and comply with the provisions of Section 9.09.290 of the Municipal Code. The Safety and Security Plans provided to the City identify methods to address site security for employees, customers, and the public, as well as fire prevention methods that comply with local and state laws and includes provisions for on-site security guards, a fire alarm system, on-site safety, and security signage, parking lot lighting, secured parking area for deliveries, a video surveillance system, and a system for the transfer of product and currency. A condition of approval has been placed requiring the Applicant to provide all video to the City's Police and Fire Departments upon request.

- **Odor Control Plan**

An Odor Control Plan has been prepared in conformance with City requirements to ensure abatement of all potential odors emanating from cannabis products.



The plan identifies that the heating, ventilation, and air conditioning (HVAC) will have HEPA filters, bag filters, activated carbon inserts, and a negative pressure system. The air filtration system for the suite will be reviewed and permitted by the Building & Safety Division staff as part of the tenant improvement plans for the HVAC systems for the proposed dispensary. In addition, automatic closures shall be installed on all interior and exterior doors and that all roof venting, wall penetrations, panel joints, etc., be sealed to prevent odors from migrating outside of the dispensary.

### **Commercial Cannabis State License**

The Applicant plans to apply for the necessary State cannabis licenses if the CUP is ultimately approved by the City.

### **Final Commercial Cannabis Regulatory Permits**

The Proposed Project's Provisional CCRP will become a Final CCRP and become effective upon such time that the Applicant: 1) obtains a CUP pursuant to Chapter 9.09.290 (Commercial Cannabis Activities); 2) obtains a City Business License pursuant to Chapter 5.02 (Business Licenses); 3) obtains a Certificate of Occupancy issued by the City's Building & Safety Department; 4) registers its commercial cannabis business with the City's Tax Administrator pursuant to Chapter 3.28 (Commercial Cannabis Activity Tax); 5) obtains the appropriate Commercial Cannabis State License issued by the California Department of Cannabis Control; 6) obtains (if necessary) all other relevant and necessary regulatory permits, licenses and regulations within the purview of the California Department of Food and Agriculture, the California Department of Public Health and any other relevant state agencies; and 7) obtains a State Sellers Permit from the California Department of Tax and Fee Administration.

### **REVIEW PROCESS**

The Applicant has worked with staff and modified the proposed plans to the satisfaction of all City Departments. Based on the staff's review, it was determined that the Proposed Project would be consistent with the City's requirements, subject to the conditions of approval in the attached Resolution.

### **ENVIRONMENTAL**

Staff recommends that the Planning Commission find that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines as a Class 1 Exemption (Section 15301, Existing Facilities). Pursuant to the California Code of Regulations, a Class 1 Exemption can be applied to a project when the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Proposed Project has been found to meet all of the conditions of the Class 1 Exemption as the Proposed Project involves interior and exterior alterations and no expansion of use.

## **NOTIFICATION**

Consistent with the applicable Municipal Code provisions, public notice was sent to all property owners of record within 600 feet of the Project Site, posted on the Project Site, and published in the Press-Enterprise Newspaper. One public comment was received in response to the Public Hearing notice, and is attached to this report.

## **REVIEW AGENCY COMMENTS**

The Proposed Project's application materials were circulated for review by all appropriate City Departments and Divisions as well as applicable outside agencies.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2022-30, and thereby:

1. **DETERMINE** that Conditional Use Permit PEN21-0249 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 1 Exemption (Section 15301, Existing Facilities); and
2. **APPROVE** Conditional Use Permit PEN21-0249 subject to the attached Conditions of Approval included as Exhibit A.

Prepared by:  
Malinda Lim  
Contract Planner

Approved by:  
Sean P Kelleher  
Planning Division Manager

## **ATTACHMENTS**

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

1. Resolution No. 2022-30 - Conditional Use Permit
2. Project Plans
3. Zoning Map
4. Public Comment

**RESOLUTION NUMBER 2022-30**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (PEN21-0249) FOR A NEW CANNABIS DISPENSARY LOCATED AT THE SOUTHWEST CORNER OF SUNNYMEAD BOULEVARD AND INDIAN STREET (APN: 481-140-031)**

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

**WHEREAS**, Robert DiVito (“Applicant”) has filed an application for the approval of a Conditional Use Permit (PEN21-0249) (“Application”) for a Commercial (retail) Cannabis Dispensary (“Proposed Project”), located 24471 Sunnymead Boulevard, on the south side of Sunnymead Boulevard, approximately 100 feet west of Indian Street (APN: 481-140-031) (“Project Site”); and

**WHEREAS**, Section 9.09.290 (Commercial Cannabis Activities) provides that a limited number of commercial cannabis dispensaries may be allowed within the Corridor Mixed Use (COMU) District within the Village Specific Plan (SP 204) and Village Commercial Residential (VCR) District, with a properly secured conditional use permit approved by the Planning Commission; and

**WHEREAS**, Section 9.02.060 (Conditional Use Permits) of the Moreno Valley Municipal Code acknowledges that the purpose of conditional use permits is to allow the establishment of uses that may have special impacts or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location and that the conditional use permit application process involves the review of location, design and configuration of improvements related to the project, and the potential impact of the project on the surrounding area based on fixed and established standards; and

**WHEREAS**, the Application has been evaluated in accordance with Section 9.02.060 (Conditional Use Permits) of the Municipal Code with consideration given to the City’s General Plan, Zoning Ordinance, and other applicable laws and regulations; and

**WHEREAS**, Section 9.02.060 of the Municipal Code imposes conditions of approval upon projects for which a Conditional Use Permit is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the site is used and any other conditions as may be deemed necessary to protect the public health, safety and welfare to ensure that the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

**WHEREAS**, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code Section 65905, a public hearing was scheduled for May 12, 2022, and notice thereof was duly published

and posted, and mailed to all property owners of record within 600 feet of the Project Site; and

**WHEREAS**, on May 12, 2022, the public hearing to consider the Application 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**, consistent with the requirements of Section 9.02.060 (Conditional Use Permits) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Conditional Use Permit PEN21-0249 (“CUP”), which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety and welfare and to ensure the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (“Planning and Zoning”) of the Municipal Code; and

**WHEREAS**, at the public hearing, the Planning Commission reviewed and considered the Planning Division’s recommendation that the Proposed Project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) as set forth in Public Resources Code Sections 21000 – 21177 and the CEQA Guidelines as set forth in 14 California Code of Regulations Sections 15000-15387, under CEQA Guidelines<sup>1</sup> Section 15301 (Existing Facilities) in that the Proposed Project has been found to meet all of the conditions of the Class 1 Exemption as the Proposed Project involves interior alterations and no expansion of use; and

**WHEREAS**, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.060 of the Municipal Code and set forth herein could be made with respect to the Proposed Project as conditioned by the Conditions of Approval.

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

**Section 1. Recitals and Exhibits**

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

**Section 2. Notice**

That pursuant to Government Code section 66020(d)(1), notice is hereby given that the proposed project is subject to certain fees, dedications, reservations and other exactions as provided herein.

**Section 3. Evidence**

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<sup>1</sup> 14 California Code of Regulations §§15000-15387

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

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Application for the approval of a Conditional Use Permit PEN21-0249 and all documents, records and references contained therein;
- (d) Conditions of Approval for Conditional Use Permit PEN21-0249, attached hereto as Exhibit A;
- (e) Staff Report prepared for the Planning Commission's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearing;
- (f) Staff's determination that the Proposed Project is categorically exempt in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines;
- (g) Testimony and/or comments from Applicant and its representatives during the public hearing; and
- (h) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the public hearing.

#### **Section 4. Findings**

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

#### **Section 5. Determination of Categorical Exemption**

That the Planning Commission hereby determines that the Proposed Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities).

#### **Section 6. Notice of Exemption**

That the Planning Division is hereby directed to prepare, execute, and file a Notice of Exemption as required by Section 5.2 (Noticing Requirements) of the City's Rules and Procedures for the Implementation of the California Environmental Quality Act and CEQA Guidelines Section 15062.

#### **Section 7. Approval**

That based on the foregoing Recitals, Administrative Record and Findings, the Planning Commission hereby approves the Proposed Project (Conditional Use Permit PEN21-0249) subject to the Conditions of Approval for Conditional Use Permit PEN21-0249, attached hereto as Exhibit A.

**Section 8. 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 9. 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 10. Effective Date**

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

**Section 11. Certification**

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

**PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF MAY, 2022.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

\_\_\_\_\_  
Alvin Dejohnette, Chairperson

ATTEST:

\_\_\_\_\_  
Sean P. Kelleher, Planning Official

APPROVED AS TO FORM:

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

Exhibits:  
Exhibit A: Conditions of Approval

Attachment: Resolution No. 2022-30 - Conditional Use Permit [Revision 3] (5815 : Element 7 (E7) Dispensary CUP)

Exhibit A

CONDITIONS OF APPROVAL

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0249)

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CITY OF MORENO VALLEY  
 CONDITIONS OF APPROVAL  
 Conditional Use Permit (PEN21-0249)

EFFECTIVE DATE:

EXPIRATION DATE:

**COMMUNITY DEVELOPMENT DEPARTMENT**Planning Division

1. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
2. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
3. In the event the use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. (applicable to CUP's)
4. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its



**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0249)

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

5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
6. This project is located within The Village Specific Plan 204. The provisions of the specific plan, the design manual, their subsequent amendments, and the Conditions of Approval shall prevail unless modified herein. (MC 9.13)
7. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
8. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
9. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

10. The commercial cannabis dispensary shall be consistent with all other applicable federal, state and local requirements including the Moreno Valley Municipal Code Title 5 and Title 9, and all related Municipal Code sections.
11. The cannabis licensee shall display its current valid Commercial Cannabis Business Permit under Chapter 5.05 of this Code and a Conditional Use Permit issued in accordance with this chapter inside the lobby or waiting area of the main entrance to the site. The permits shall be displayed at all times in a conspicuous place so that it may be readily seen by all persons entering the site. (MC 9.09.290 (D)(2)(c))
12. All City Fire, Police and Code personnel shall have unlimited and unrestricted property access for inspections of commercial cannabis businesses and facilities

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0249)

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during business hours. (MC 9.09.290 (D)(2)(g))

13. Security surveillance cameras and a video recording system must be installed to monitor all doors into and out of the buildings on the site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights -of-way. The camera and recording systems must be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the site. The recording system must be capable of exporting the recorded video in standards MPEG formats to another common medium, such as a DVD or USB drive. (MC 9.09.290 (E)(12)(a))
14. All windows on the building that houses the Cannabis Facility shall be appropriately secured and all cannabis and marijuana securely stored.
15. A copy of all pages of these conditions shall be included in the construction drawing package.
16. The commercial cannabis operation shall have a valid Commercial Cannabis Business Permit and shall comply with all requirements of Moreno Valley Municipal Code Chapter 5.05 prior to issuance of occupancy permits.
17. No person associated with this commercial cannabis dispensary shall cause or permit the sale, dispensing or consumption of alcoholic beverages or the sale of tobacco products on or within 50 feet of the premises of a cannabis business. (MC 9.09.290 (D)(2)(b))
18. All operations conducted and equipment used must be in compliance with all applicable state and local regulations, including all building, electrical and fire codes. (MC 9.09.290 (E)(7)(b))
19. Professionally and centrally monitored fire, robbery, and burglar alarm systems must be installed and maintained in good working condition. The alarm system must include a private security company that is required to respond to every alarm. ( MC 9.09.290 (E)(12)(b))
20. The site has been approved for a commercial cannabis retail dispensary, located at 24471 Sunnymead Boulevard (approximately 2,400 square feet) per the approved plans and per the requirements of the City's Municipal Code (MC) Section 9.09.290 Commercial cannabis activities, 9.09.293 Cannabis Business locations and use, and 5.05 Commercial Cannabis Activity. A change or modification to the interior design/set-up, exterior elevations or business process (including security procedures) shall require separate review and approval. For a Conditional Use Permit, violation may result in revocation in the case of a Conditional Use Permit per MC Section 9.09.290 F and 9.02.260.

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0249)

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21. A licensee conducting a commercial cannabis dispensary shall meet all applicable operational requirements for retail/commercial cannabis dispensaries. (MC 9.09.290 (E)(4))
22. No person shall smoke, ingest, or otherwise consume cannabis in any form on, or within twenty (20) feet of, the dispensary site. (MC 9.09.290 (E)(4)(f))
23. The commercial cannabis dispensary shall have designated locked storage on the dispensary property for after-hours storage of medical and adult use recreational cannabis and cannabis infused products. All cannabis and cannabis infused products shall be stored at the dispensary property in secured rooms that are completely enclosed or in a safe that is bolted to the floor (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel). (MC 9.09.290 (E)(4)(c))
24. Waste and storage and disposal of all cannabis and marijuana products shall meet all applicable state and local health regulation. (MC 9.09.290 (E)(13))
25. The cannabis license and the Conditional Use Permit, apply only to the 2,400 square foot existing building at 24471 Sunnymead Boulevard. No use of any other tenant space, outside of the 2,400 square foot existing building is allowed per Conditional Use Permit PEN21-0249.
26. Daily hours of operation for the dispensary may start no earlier than 6:00 am and end no later than 10:00 pm, Sunday through Saturday.
27. No commercial cannabis dispensary owner or employee shall: ( i) cause or permit the sale, distribution, or consumption of alcoholic beverages on the dispensary property (ii) hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages; or (iii) operate a business on or adjacent to the dispensary property that sells alcoholic beverages. No alcoholic beverages shall be allowed or stored on the dispensary property. (MC 9.09.290 (E) (4 )(g))
28. No cannabis or marijuana materials or products shall be visible from the exterior of any structure, facility, or building in which commercial cannabis dispensaries are being conducted. All commercial cannabis dispensaries must take place within a fully enclosed, secured and permanent structure (with accommodations in place at all times to allow for and facilitate unlimited/unrestricted access throughout the premises by emergency service personnel). (MC 9.09.290 (E)(6)(c))
29. The premises must be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside the Cannabis Business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0249)

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walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the Cannabis Business. As such, Cannabis Businesses must install and maintain the following equipment or any other equipment which the Local Licensing Authority determines has the same or better effectiveness:

- a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or
  - b. An air system that creates negative air pressure between the Cannabis Businesses' interior and exterior so that the odors generated inside the Cannabis Business are not detectable outside the Cannabis Business.
30. All Cannabis heating, ventilation, air conditioning and odor control plans and blue prints shall be stamped by a Licensed HVAC Mechanical Engineer.
  31. All window arrays, doors and associated framing systems shall be renovated to install new glazing compounds and seals.
  32. Automatic closures on all interior and exterior doors shall be installed.
  33. All interior and exterior door seals shall be replaced and adjusted.
  34. All roof venting, wall penetrations, panel joints etc. shall be sealed.
  35. Air curtains shall be installed on all exterior doors.
  36. Two secured parking spaces, identified on a plot plan shall be located convenient the required secured area of each facility to be used by secured transfer vehicles involved in the couriering or dispensing of cannabis materials products to and from the facility and for use by any secured vehicle commissioned for the transfer of currency to and from the facility. (MC 9.09.290 (E)(9)(f))
  37. Licensee shall prohibit loitering by individuals outside the licensed premises or anywhere on the property. (MC 9.09.290 (E)(14)(c))
  38. Licensee shall remove any graffiti from the licensed premises within twenty-four (24) hours of its occurrence, or as requested by the city. (MC 9.09.290 (E)(14)(d))
  39. Exterior landscaping within ten (10) feet of a licensed premises shall be designed, installed and maintained free of locations which could reasonably be used by persons to conceal themselves and/or to enable undesirable activity. The design and maintenance practices shall give appropriate consideration to both natural and artificial illumination. (MC 9.09.290(E)(8)(c))
  40. The parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards and the Security Plan at all times.

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0249)

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41. Prior to approval of tenant improvement plans, a detailed, on-site, computer generated, point- by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted as part of the Building and Safety Plan Check submittal for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it meets the lighting standards in the Cannabis Ordinance 932. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) Lighting shall comply with the provisions of MC Section 9.08.100 including fixture type, wattage illumination levels and shielding. (MC 9.09.290 (E)(10))
42. The commercial cannabis operation shall comply with all requirements of Moreno Valley Municipal Code Chapter 5.05 prior to issuance of occupancy permits.
43. Prior to Building Permit or Certificate of Occupancy, the process for any transfer of product or currency shall be identified in an updated Security Plan to be reviewed and approved by the Planning Division. (MC 9.09.290 (D)(2)(f))
44. The Security Plan on file with the City of Moreno Valley shall remain in effect as long as the established use is in operation. Any changes, additions, removal or modifications to the plan shall be submitted to the City for review and inclusion in the Conditional Use Permit file.
45. Prior to approval of tenant improvement plans, the applicant shall submit plans detailing provisions for controlled/secured access into and out of the dispensary area.
46. Persons under the age of twenty-one (21) years shall not be allowed on the premises. It shall be unlawful and a violation of this chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
47. Prior to issuance of Certificates of Occupancy or building final, the applicant shall cause the slurry sealing and restriping of the parking lot that shall be inspected and approved by the Planning and Building Divisions.

**Building Division**

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0249)

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to the site, exits, bathrooms, work spaces, etc.

49. Contact the Building Safety Division for permit application submittal requirements.
50. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first obtained from the Building Official or City Engineer.
51. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
52. The proposed development shall be subject to the payment of required development fees as required by the City's current Fee Ordinance at the time a building application is submitted or prior to the issuance of permits as determined by the City.
53. The proposed project will be subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance. Contact the water district at 951.928.3777 for specific details.
54. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
55. All remodeled structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
56. Prior to permit issuance, every applicant shall submit a properly completed Waste Management Plan (WMP), as a portion of the building or demolition permit process. (MC 8.80.030)

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

57. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height.

**CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN21-0249)

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(CFC 505.1, MVMC 8.36.060[!])

58. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
59. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
60. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)



**GENERAL NOTES**

- IT IS THE INTENT OF THE ARCHITECT THAT THIS WORK BE IN CONFORMANCE WITH ALL REQUIREMENTS OF THE BUILDING AUTHORITIES HAVING JURISDICTION OVER THIS TYPE OF CONSTRUCTION AND OCCUPANCY.
- ALL CONSTRUCTION SHALL COMPLY WITH APPLICABLE BUILDING CODES AND LOCAL RESTRICTIONS. CONTRACTORS MUST COMPLY WITH CONTRACTOR REGISTRATION REQUIREMENTS OF ALL GOVERNING AUTHORITIES.
- ALL CONTRACTORS AND SUBCONTRACTORS WILL THOROUGHLY FAMILIARIZE THEMSELVES WITH THESE CONSTRUCTION DOCUMENTS AND WILL VERIFY EXISTING SITE / BUILDING CONDITIONS PRIOR TO BID SUBMITTAL.
- THE GENERAL BUILDING PERMITS SHALL BE PAID FOR BY THE OWNER. ALL OTHER PERMITS SHALL BE SECURED AND PAID FOR BY THE SUBCONTRACTOR DIRECTLY RESPONSIBLE. ALL REQUIRED CITY, COUNTY AND/OR STATE LICENSES SHALL BE ACQUIRED AND PAID FOR BY THE INDIVIDUAL SUBCONTRACTOR.
- APPROVED PLANS SHALL BE KEPT IN A PLAIN BOX AND SHALL NOT BE USED BY WORKMEN. ALL CONSTRUCTION SETS SHALL REFLECT SAME INFORMATION. CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF PLANS ON THE PREMISES IN GOOD CONDITION AT ALL TIMES. THIS SHALL INCLUDE ALL ADDENDA AND CHANGE ORDERS.
- DISCREPANCIES BETWEEN PORTIONS OF THE CONTRACT DOCUMENTS, DRAWINGS AND SPECIFICATIONS ARE NOT INTENDED. THE CONTRACTOR IS TO CLARIFY SUCH DISCREPANCIES WITH THE ARCHITECTS/CONSULTANTS PRIOR TO COMMENCING WORK.
- VERIFY ALL DIMENSIONS IN THE FIELD. ALL EXISTING PLAN DIMENSIONS ARE TO FINISHED FACE OF WALLS/MASONRY. ALL NEW INTERIOR DIMENSIONS ARE TO THE FACE OF STUDS, U.N.O.
- STATED DIMENSIONS TAKE PRECEDENCE OVER GRAPHICS, DO NOT SCALE DRAWINGS TO DETERMINE LOCATIONS. NOTIFY THE ARCHITECT / CONSULTANTS OF ANY SUCH DISCREPANCIES PRIOR TO CONTINUING WITH WORK.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL EXISTING UTILITIES AND TO PROTECT THEM FROM DAMAGE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE SECURITY OF THE SITE WHILE JOB IS IN PROGRESS AND UNTIL BUILDING IS OCCUPIED.
- GENERAL CONTRACTOR TO REFER TO THESE DOCUMENTS AS WELL AS SPECIFICATIONS FOR IDENTIFICATION OF ALL OWNER SUPPLIED ITEMS. ALL ITEMS NOT MARKED AS 'OWNER SUPPLIED' ARE TO BE SUPPLIED BY GENERAL CONTRACTOR, UNLESS NOTED OTHERWISE. ALL ITEMS ARE TO BE INSTALLED BY GENERAL CONTRACTOR.
- FOR CONSTRUCTION DETAILS NOT SHOWN, USE THE MANUFACTURER'S APPROVED SHOP DRAWINGS / DATA SHEETS IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
- ALL DEBRIS SHALL BE REMOVED FROM PREMISES AND ALL AREAS SHALL BE LEFT IN A CLEAN (BROOM) CONDITION AT ALL TIMES.
- CONTRACTOR SHALL SUPPLY, LOCATE AND BUILD INTO THE WORK ALL INSERTS, ANCHORS, ANGLES, BLOCKING, PLATES, OPENINGS, SLEEVES, HANGERS, AS MAY BE REQUIRED TO ATTACH AND ACCOMMODATE OTHER WORK.
- MATERIALS LISTED IN DRAWINGS ARE BASED ON DESIGN INTENT. ALTERNATE SPECIFICATIONS MAY BE ACCEPTED PROVIDED THEY CLOSELY MATCH THE SPECIFIED MATERIAL. CONTRACTOR IS TO SUBMIT PROPOSED SAMPLES OF SUBSTITUTIONS, ALONG WITH SAMPLE OF THAT SPECIFIED IN DRAWINGS FOR REVIEW BY THE ARCHITECT / CONSULTANTS.

**GOVERNING CODE**

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING, INCLUDING LOCAL AMENDMENTS:

- 2019 CALIFORNIA BUILDING CODE (CBC)
- 2019 CALIFORNIA EXISTING BUILDING CODE
- 2019 CALIFORNIA FIRE CODE (CFC)
- 2019 CALIFORNIA MECHANICAL CODE (CMC)
- 2019 CALIFORNIA PLUMBING CODE (CPC)
- 2019 CALIFORNIA ELECTRICAL CODE (CEC)
- 2019 CALIFORNIA GREEN BUILDING STANDARD CODE (CGBS)
- 2019 CALIFORNIA ENERGY CODE
- 2019 CALIFORNIA ENERGY EFFICIENCY STANDARDS (CEES)
- 2020 CALIFORNIA RETAIL FOOD CODE
- THE CITY & COUNTY MUNICIPAL CODE (LATEST EDITION)
  - MEDICAL AND ADULT USE CANNABIS REGULATION AND SAFETY ACT (MAUCRSA)
  - CALIFORNIA MEDICAL MARIJUANA REGULATION AND SAFETY ACT (MMRSA):
    - TYPE 6 MANUFACTURER
    - TYPE 10 GENERAL DISPENSARY
    - TYPE 11 DISTRIBUTION

NOTE:  
CALIFORNIA ASSEMBLY BILL 3002 ENCOURAGES THE APPLICANT AND PROPERTY OWNER TO SEEK A CASp (CERTIFIED ACCESS SPECIALIST) CONSULTATION AND INSPECTION OF THE PROPERTY. THE LEGAL NOTICE AND DIRECTORY OF CASp INSPECTORS IS AVAILABLE AT THE LOCAL BUILDING DEPARTMENT.

**SCOPE OF WORK**

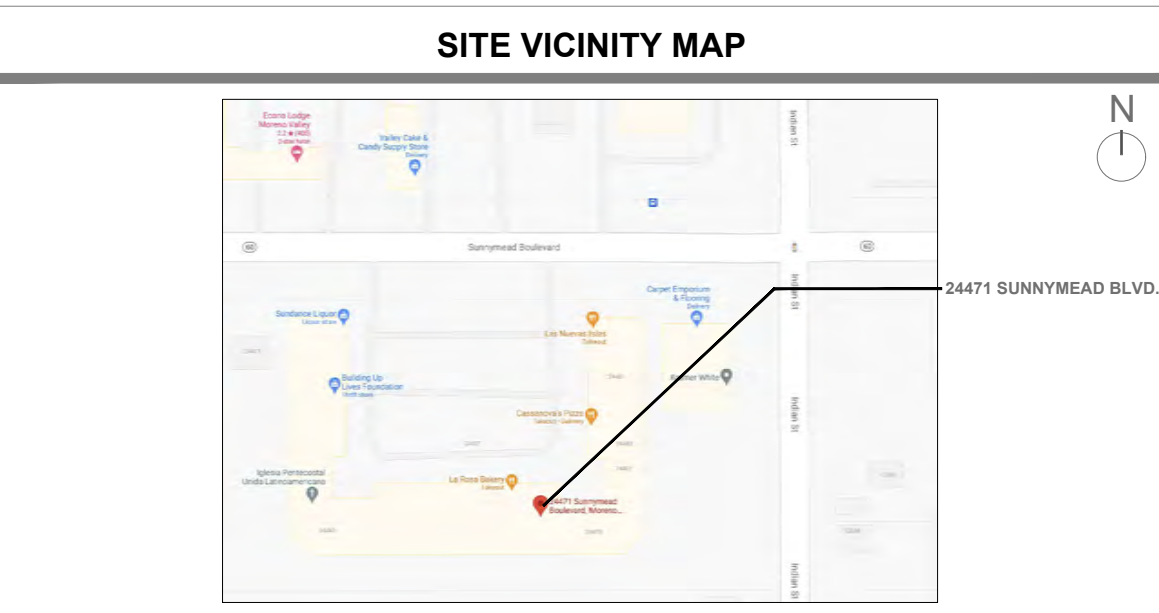
PROPOSAL TO CONVERT AN EXISTING RETAIL SPACE INTO A CANNABIS RETAIL DISPENSARY & DELIVERY OPERATION.

**E7 MORENO VALLEY LLC.**

**PROPOSED TENANT IMPROVEMENT CANNABIS RETAIL DISPENSARY & DELIVERY**

**24471 SUNNYMEAD BLVD. MORENO VALLEY, CA. 92553**

- DRAWING INDEX**
- ARCHITECTURAL**
- A00 COVER SHEET
  - A01 SITE PLAN
  - A02 AS-BUILT FLOOR PLAN AS-BUILT RCP
  - A03 DEMOLITION PLAN
  - A04 PROPOSED FLOOR PLAN PROPOSED REFLECTED CEILING PLAN
  - A05 ELEVATIONS & RENDERS
  - A06 SECURITY PLAN
  - A07 INTERIOR RENDERS
- (WHERE APPLICABLE):
- STRUCTURAL** UNDER SEPARATE PERMIT
  - MECHANICAL** UNDER SEPARATE PERMIT
  - PLUMBING** UNDER SEPARATE PERMIT
  - ELECTRICAL** UNDER SEPARATE PERMIT



**FIRE DEPARTMENT NOTES**

"DELAYED EGRESS SHALL NOT AND WILL NOT BE INSTALLED AT THIS FACILITY AT ANY TIME. In accordance with the California Building & Fire Code Chapters 9 and 10, buildings with delayed egress locks shall be equipped throughout with an automatic sprinkler system and an approved automatic smoke detection system. INSTALLATION OF DELAYED EGRESS AT THIS FACILITY WITHOUT SPRINKLERS AND DETECTION WILL RESULT IN IMMEDIATE BUSINESS CLOSURE."

**CODE ANALYSIS**

USE GROUP-M, MERCANTILE RETAIL (RETAIL MARIJUANA DISPENSARY)

**DEFERRED SUB.**

SEPARATE APPLICATIONS, PLAN CHECKS AND PERMITS ARE REQUIRED FOR:

- EXTERIOR BUILDING SIGNAGE
- STORAGE RACKS (IF NOTED)
- SMOKE ALARM SYSTEM

**PROPERTY INFO:**

APN / PARCEL ID:	481-140-031
YEAR BUILT:	
ZONING:	SP-204 VCR
BUILDING CLASS:	
EXIST. PROPERTY TYPE:	RETAIL
OCCUPANCY:	
PREVIOUS BUSINESS:	MARTIAL ARTS ACADEMY
EXIST. # OF STORIES:	1 STOREY
EXIST. LOT AREA:	
EXIST. UNIT SIZE:	2,400 ft²
BUILDING FRONTAGE:	

**PROJECT TEAM**

<b>DEVELOPER</b>	ELEMENT 7 MORENO VALLEY LLC. 8033 SUNSET BLVD. LOS ANGELES, CA. 90046
<b>ARCHITECT</b>	
<b>CONTRACTOR</b>	

PROFESSIONAL SEAL  
MORENO VALLEY

Proposed Tenant Improvement  
Cannabis Retail Dispensary & Delivery  
24471 SUNNYMEAD BLVD. MORENO VALLEY, CA. 92553  
COVER SHEET

NO.	DATE	REVISION / ISSUE
1		CPN #
2		MVCCP-
3		R01-122
4		
5		

APN: 481-140-031
DRAWN BY: R.F.
DATE: FEB. 1 202
SCALE: AS NOTE
SHEET SIZE: 11X1
SHEET NO.

**A00**

Attachment: Project Plans (5815 : Element 7 (E7) Dispensary CUP)

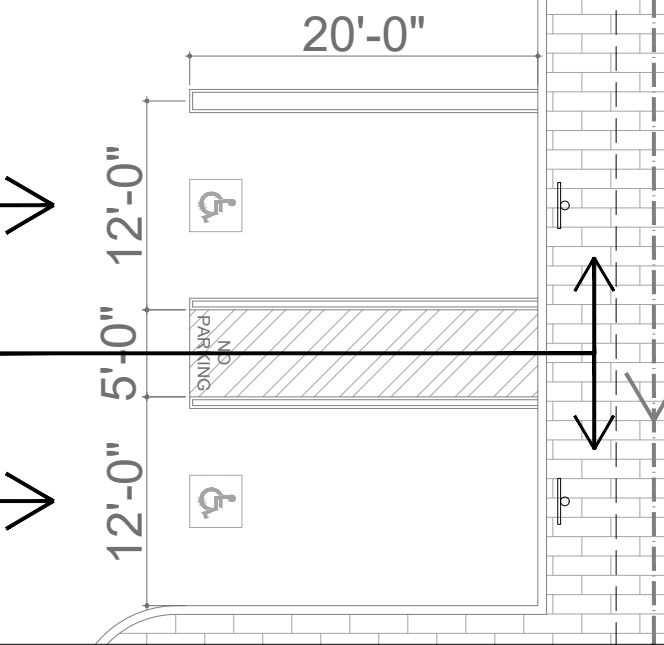




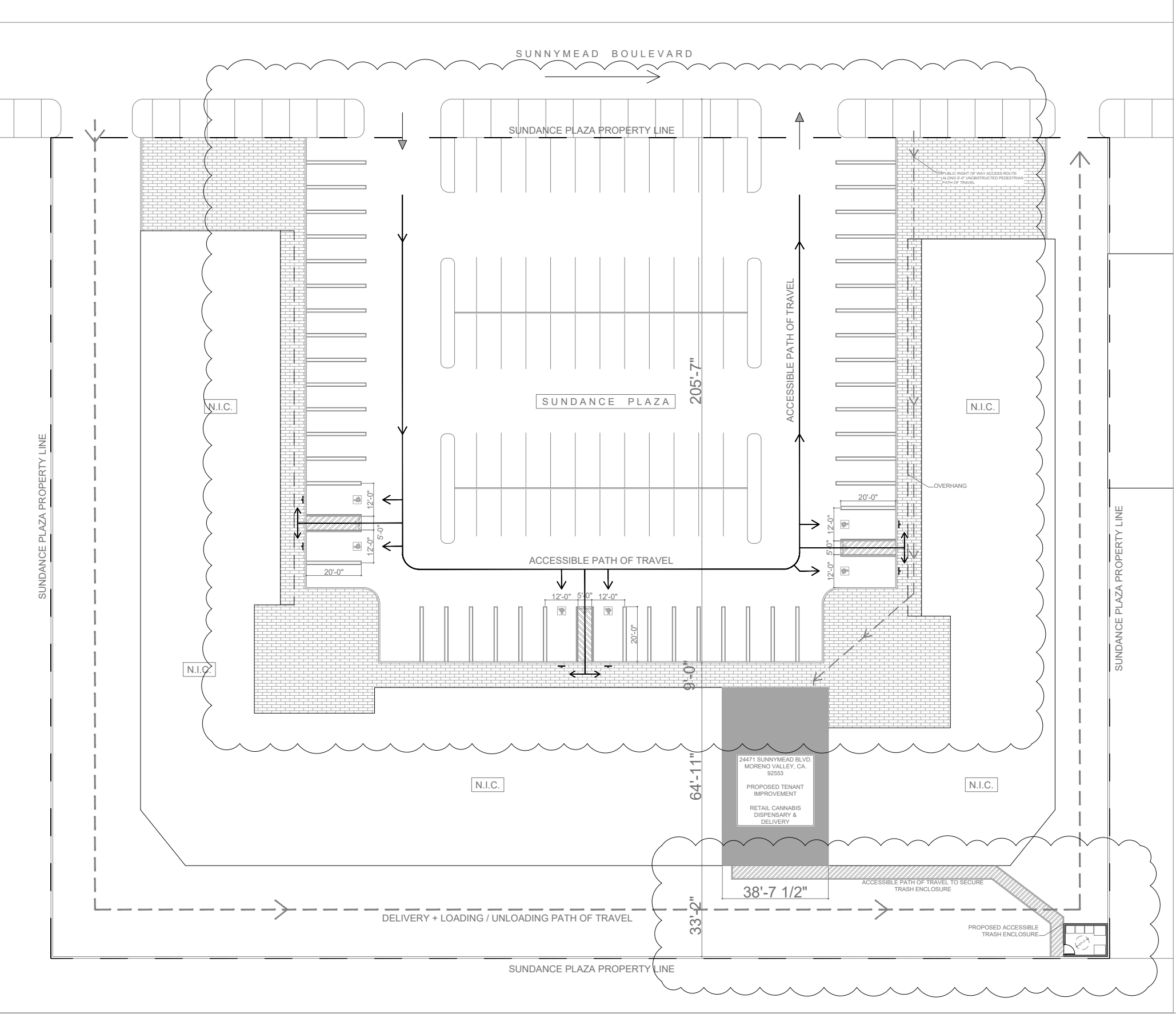
TABLE 11B-208.2 PARKING SPACES

TOTAL NUMBER OF PARKING SPACES PROVIDED IN PARKING FACILITY	MINIMUM NUMBER OF REQUIRED ACCESSIBLE PARKING SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof over 1000

# OF PARKING SPACES: 109  
 # ACCESS. REQUIRED: 5  
 # AVAILABLE: 6

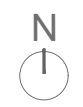


TYP. PARKING DETAIL (N.T.S.)



1  
A01

SITE PLAN  
SCALE: 1" = 40'-0"



PROFESSIONAL SEAL  
 MORENO VALLEY

Proposed Tenant Improvement  
 Cannabis Retail Dispensary & Delivery  
 24471 SUNNYMEAD BLVD. MORENO VALLEY, CA. 92553

SITE PLAN

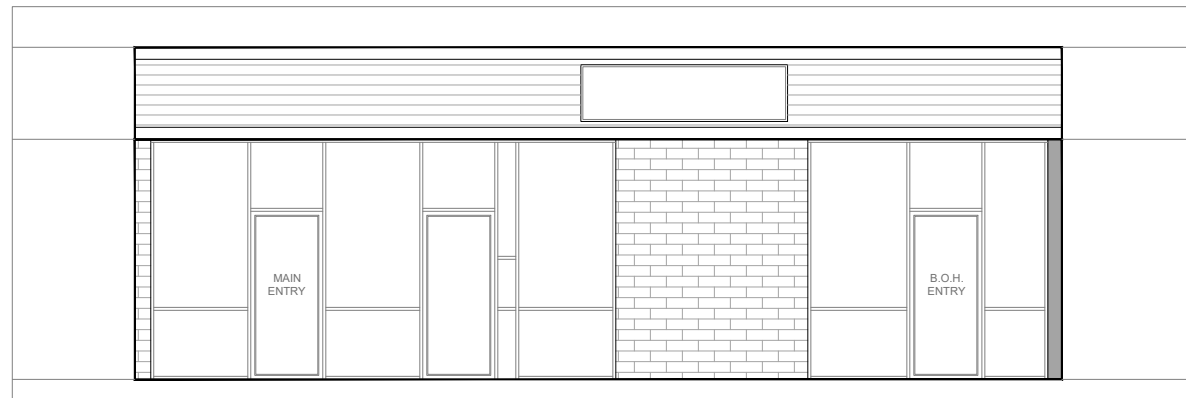
NO.	DATE	REVISION / ISSUE
1		CPN #
2		MVCCP-
3		R01-122
4		
5		

APN: 481-140-031  
 DRAWN BY \_\_\_\_\_ R.F.  
 DATE FEB. 1 202  
 SCALE AS NOTE  
 SHEET SIZE 11X1  
 SHEET NO.

A01

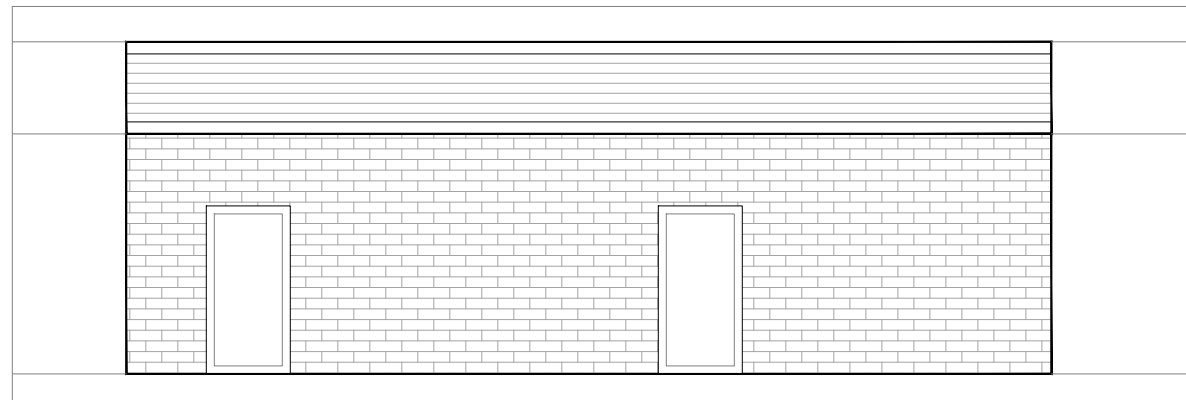
Attachment: Project Plans (5815 : Element 7 (E7) Dispensary CUP)





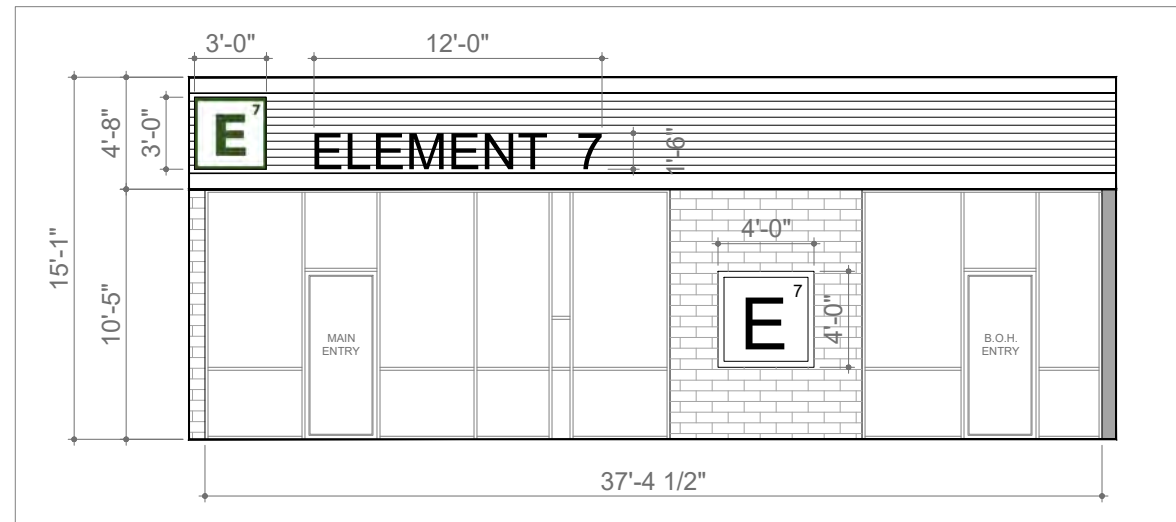
1  
A05

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



2  
A05

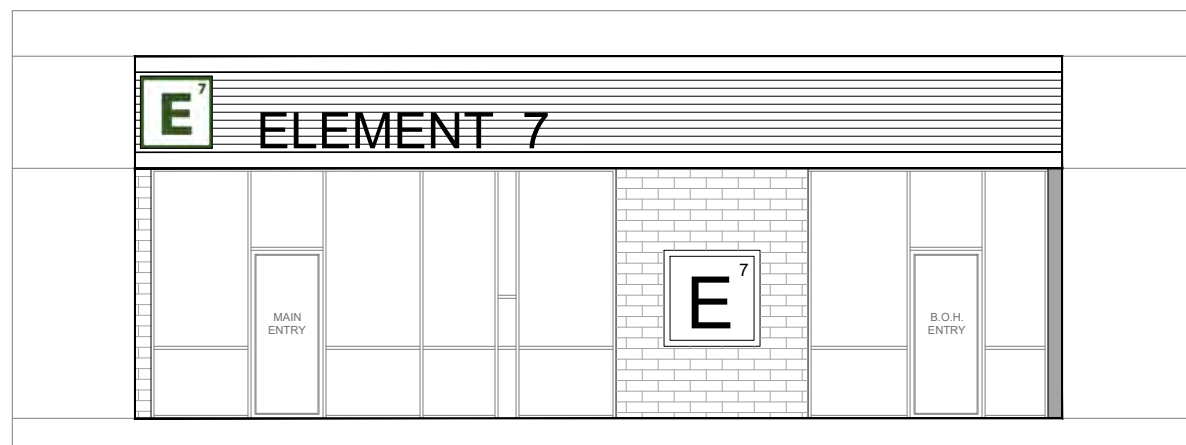
AS-BUILT (TO REMAIN) SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



3  
A05

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

TOTAL FACADE AREA:	563.74ft <sup>2</sup>
MAX. ALLOWABLE (MV 9.12.060):	10% (56.37ft <sup>2</sup> )
SIGN 1: (3'x3'):	9ft <sup>2</sup>
SIGN 2: (1'6"x12'):	18ft <sup>2</sup>
SIGN 3: (4'4'):	16ft <sup>2</sup>
TOTAL PROPOSED SIGNS:	43ft <sup>2</sup>



3  
A05

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



PROFESSIONAL SEAL

MORENO VALLEY

Proposed Tenant Improvement  
Cannabis Retail Dispensary & Delivery  
24471 SUNNYMEAD BLVD. MORENO VALLEY, CA. 92553

ELEVATIONS  
BUILDING RENDERERS

Attachment: Project Plans (5815 : Element 7 (E7) Dispensary CUP)

NO.	DATE	REVISION / ISSUE
1		CPN #
2		MVCCP-
3		R01-122
4		
5		

APN: 481-140-031  
DRAWN BY \_\_\_\_\_ R.F.  
DATE \_\_\_\_\_ FEB. 1 202  
SCALE \_\_\_\_\_ AS NOTE  
SHEET SIZE \_\_\_\_\_ 11X1  
SHEET NO. \_\_\_\_\_

A05



PROFESSIONAL SEAL

MORENO VALLEY

Proposed Tenant Improvement  
Cannabis Retail Dispensary & Delivery  
24471 SUNNYMEAD BLVD. MORENO VALLEY, CA. 92553

INTERIOR RENDERERS

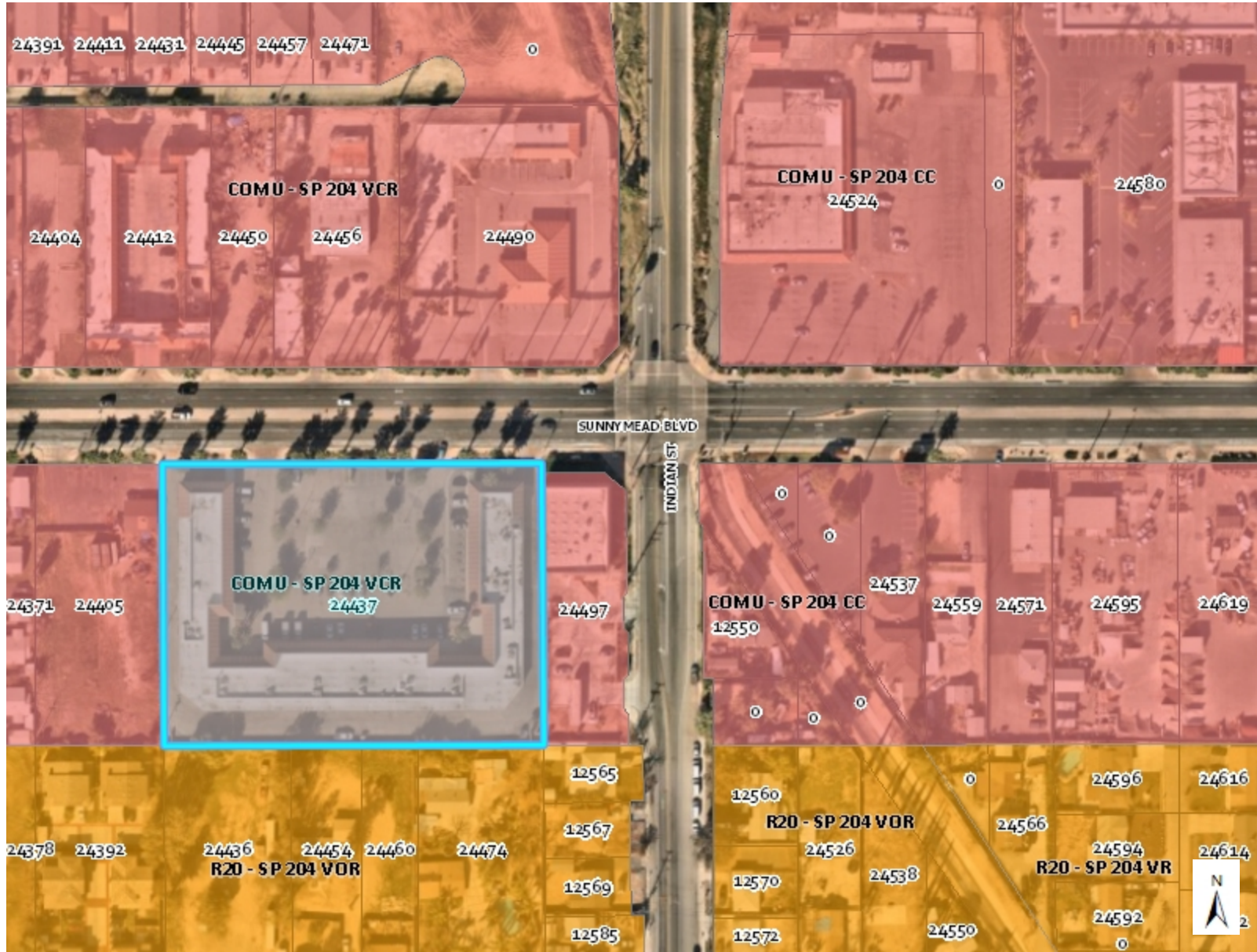
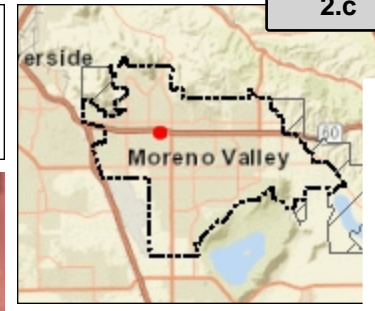
Attachment: Project Plans (5815 : Element 7 (E7) Dispensary CUP)

NO.	DATE	REVISION / ISSUE
1		CPN #
2		MVCCP-
3		R01-122
4		
5		

APN: 481-140-031  
 DRAWN BY \_\_\_\_\_ R.F.  
 DATE FEB. 1 202  
 SCALE AS NOTE  
 SHEET SIZE 11X1  
 SHEET NO.

# A07

# Zoning



## Legend

### Zoning

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

### Master Plan of Trails

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

### Road Labels

- Parcels
- Image Source: Nearmap

## Notes:

PEN21-0249 Element 7 (E7)  
Dispensary CUP

315.5 0 157.74 315.5 Feet

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

Attachment: Zoning Map (5815 : Element 7 (E7) Dispensary CUP)

RE: Case No.: PEN21-0249  
Maria Montes, Local Resident Public Comment

Dear Planning Commissioners:

I appreciate the opportunity to comment regarding the request being made to operate a commercial cannabis dispensary within an existing 2,400 square-foot suite on the south side of Sunnymeade Boulevard at 24471 Sunnymeade Boulevard. This comment letter (comment) is submitted on my behalf, Maria Montes, a concerned resident. This comment is submitted to make our communities leaders aware of the unfitting location of the previously mentioned proposal.

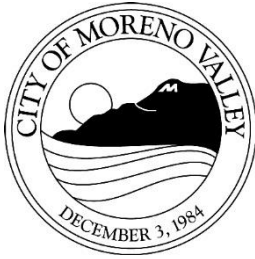
Sundance Center is a family oriented, commercial center. Families join here everyday to celebrate life, enjoy a delicious meal, indulge in sweet treats and keep their furry friends clean. A cannabis dispensary will bring no value to the already well established character of this center. We must try to understand that those who shop at Sundance center are not coming to look for a place to consume or purchase cannabis.

The goal is not to neglect the rights of those striving to expand their business, or in any way bring dishonor to a law abiding occupation. Rather to bring awareness to the rising competition in such a field of business. It was not long ago that a similar business was established just across the street (Good Lyfe). My question is, how successful will this new dispensary be when there is already an identical producer for the demand, just a few feet away? Is our goal to promote the financial and commercial growth of our city? If so, I believe another location would be best, one where the business will have higher likelihood of success. And considering the numerous other unoccupied suites within the city, the options are nearly endless.

I highly appreciate the time and consideration taken on your behalf to take my comment into consideration. I applaud your arduous work done to keep our city a respectable place, where dreams soar.

Sincerely,

Maria Montes



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: May 12, 2022

MUNICIPAL CODE AMENDMENTS AMENDING VARIOUS SECTIONS WITHIN TITLE 9 PLANNING AND ZONING, INCLUDING CHAPTER 9.02 PERMITS AND APPROVALS, CHAPTER 9.09 SPECIFIC USE DEVELOPMENT STANDARDS, CHAPTER 9.13 SPECIFIC PLANS, CHAPTER 9.14 LAND DIVISIONS, AND CHAPTER 9.16 DESIGN GUIDELINES.

Case: PEN22-0087 - Municipal Code Amendments Title 9 (Planning and Zoning)

Applicant: City of Moreno Valley

Case Planner: Sean P. Kelleher

Council District: All Districts

Proposal The proposed Omnibus Municipal Code amendment includes various updates and text clean-ups for the purpose of clarifying and streamlining various development standards within Title 9 Planning and Zoning, which include Chapter 9.02 Permits and Approvals, Chapter 9.09 Specific Use Development Standards, Chapter 9.13 Specific Plans, Chapter 9.14 Land Divisions, and Chapter 9.16 Design Guidelines.

#### **SUMMARY**

This Municipal Code Title 9 (Planning & Zoning) Amendments revises various sections of Title 9 Planning and Zoning, relating to the following areas:

- A. Updates to comply with new State Law and Housing and Community Development (HCD) requirements.

- B. Streamlining Code requirements - These updates include revisions to provide flexibility and clarity regarding existing requirements and to streamline certain processes.
- C. Other minor clarifications and clean-up items.

## **PROJECT DESCRIPTION**

The discussion of the sections below corresponds to the order of the text amendments set forth in the attached proposed ordinance.

### Permitted Uses Table 9.02.020-1

The Permitted Uses Table is being modified to add Supportive and Transitional Housing as a permitted use in various zones throughout the City in compliance with the requirements of HCD associated with the City's Housing Element.

### Permitted Uses Table 9.02.020-2 Mixed Use Zones

The Permitted Uses Mixed Use Zones Table is being modified to add Supportive and Transitional Housing as a permitted use in various zones throughout the City in compliance with the requirements of HCD associated with the City's Housing Element. Additionally, the table is modified to include hotel uses within the Highway Office/Commercial (H/OC) District.

### Section 9.02.140 Large family day care.

This section is being modified and renamed "Small and Large Family Day Care Home Standards in Residential Dwelling Units" in compliance with California State Law, Senate Bill 234, to allow for both small and large family day care facilities by right in residential dwelling units.

### Section 9.02.320 Reasonable accommodation procedures.

This section is being modified in compliance with the requirements of HCD associated with the City's Housing Element. The modifications include minor changes in definitions and the removal of consideration factors including but not limited to neighborhood character and substantial increases in traffic.

### Section 9.09.300 SB9 Two-Unit Residential Developments.

Under State Senate Bill 9, the City must adopt an ordinance that establishes provisions for the processing Two-Unit Residential Developments in all single-family residential zones. The approval of these residential developments per State law must be ministerial actions, meaning that if a proposal meets all of the development standards set forth in the Municipal Code, the City must approve them without Planning Commission or City Council review.

### Section 9.09.310 Supportive and Transitional Housing.



This section is being modified in compliance with the requirements of HCD associated with the City's Housing Element. This section establishes definitions for Supportive and Transitional Housing. Furthermore, it clarifies that the review process shall be the same as that of Single and Multiple-family housing.

Section 9.13.040 Map designation.

This section is being repealed to allow for Specific Plans to be adopted independently of a Change of Zone application. A Change of Zone application is currently required to add the Specific Plan designation on the City's Official Zoning Map.

Section 9.13.080 Adoption/amendment procedure.

This section is being modified to allow for Specific Plans to be adopted by a Resolution rather than an Ordinance. This does not preclude the City from adopting a Specific Plan by Ordinance if desired by the City for a specific purpose.

Section 9.14.240 Parcel Maps for Urban Lot Splits

Under State Senate Bill 9, the City must adopt an ordinance that establishes provisions for processing Parcel Maps for urban lot splits. This new section allows for the ministerial approval of Urban lot splits if they meet the applicable requirements of Section 9.09.300 (SB 9 Two-Unit Residential Developments), Chapter 9.14 (Land Divisions), and the Subdivision Map Act.

Section 9.16.150 Commercial (retail, office, mixed use).

This section is being modified to require a rooftop amenity for hotels four or more stories in height. The current provisions require a rooftop amenity for hotels over four stories.

**ENVIRONMENTAL**

The Proposed Municipal Code Amendments, Title 9, (PEN22-0087) does not constitute a "project" pursuant to Section 15378 of the California Environmental Quality Act, in that a "project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, but does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment such as the adoption of the proposed amendments to Title 9, described herein.

**NOTIFICATION**

The Proposed Municipal Code Title 9 Amendments (PEN22-0087) is City-wide in scope. As such, the public hearing notice for the proposed Municipal Code Amendments was published in the Press-Enterprise newspaper on April 29, 2022.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2022-31, and thereby **RECOMMEND** that the City Council:

1. **APPROVE** the Municipal Code Title 9 Amendments (PEN22-0087), based on the findings contained set forth and/or referenced in this Resolution and **INTRODUCE** and **ADOPT** an ordinance to include the amendments included in this Resolution.

Prepared by:  
Sean P Kelleher  
Planning Division Manager

Approved by:  
Sean P Kelleher  
Planning Division Manager

### **ATTACHMENTS**

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

1. Resolution No. 2022-31 - Municipal Code Amendment
2. Strikeout / Underline Draft

## RESOLUTION NUMBER 2022-31

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE CERTAIN AMENDMENTS TO TITLE 9 (PLANNING AND ZONING) WHICH INCLUDE CHAPTER 9.02 (PERMITS AND APPROVALS), CHAPTER 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS), CHAPTER 9.13 (SPECIFIC PLANS), CHAPTER 9.14 (LAND DIVISIONS), AND CHAPTER 9.16 (DESIGN GUIDELINES) (PEN22-0087)**

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

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

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

**WHEREAS**, staff has recommended to the Planning Commission that it consider recommending that the City Council adopt several amendments to Title 9, which include revising certain provisions of Chapter 9.02 (Permits and Approvals), Chapter 9.09 (Specific Use Development Standards), Chapter 9.13 (Specific Plans), Chapter 9.14 (Land Divisions), and Chapter 9.16 (Design Guidelines) (PEN22-0087); and

**WHEREAS**, PEN22-0087 will clarify various development standards to provide some flexibility regarding existing requirements, make it less costly for the public with respect to processing certain entitlements and streamline certain entitlement procedures for efficiency purposes, all of which will promote economic development within the City; and

**WHEREAS**, staff has determined that PEN22-0087 is consistent with the MOVAL 2040 General Plan and its goals, objectives, policies, and programs, and with any applicable specific plan; and

**WHEREAS**, staff has further determined that PEN22-0087 will not adversely affect the public health, safety or general welfare; and

**WHEREAS**, staff has also determined that PEN22-0087 is consistent with the purposes and intent of Title 9; and

**WHEREAS**, pursuant to the provisions of Section 9.02.200 (Public hearing and notification procedures) of the Municipal Code and Government Code Section 65905, a

public hearing was scheduled for May 12, 2022, and notice thereof was duly published and posted; and

**WHEREAS**, on May 12, 2022, the public hearing to consider PEN22-0087 was duly noticed and conducted by the Planning Commission at which time all interested persons were given full opportunity to be heard and to present evidence; and

**WHEREAS**, staff has determined that PEN22-0087 does not constitute a “project” pursuant to Section 15378 of the California Environmental Quality Act, in that a “project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, but does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment such as the adoption of the proposed amendments to Title 9, described herein.

**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. Evidence**

That the Planning Commission has considered all of the evidence submitted into the administrative record for PEN22-0087 including, but not limited to, the following:

- (a) PEN22-0087 and all relevant provisions referenced therein;
- (b) Staff Report prepared for the Planning Commission’s consideration and all documents, records and references related thereto, and Staff’s presentation at the public hearing; and
- (c) Testimony comments and/or correspondence from all persons that were provided in written format or correspondence, at, or prior to, the public hearing.

**Section 3. 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) That PEN22-0087 is consistent with the existing goals, objectives, policies and programs of the MOVAL 2040 General Plan;
- (b) That PEN22-0087 will not adversely affect the public health, safety or general welfare;
- (c) That PEN22-0087 is consistent with the purposes and intent of Title 9; and
- (d) That PEN22-0087 does not constitute a “project” pursuant to Section 15378 of the California Environmental Quality Act, in that a “project” means the whole of an

action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, but does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment such as the adoption of the proposed amendments to Title 9, described herein.

**Section 4. 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 the draft ordinance including all amendments to Title 9 (PEN22- 0087) attached hereto as Exhibit A, which are on file with the Community Development Department.

**Section 5. 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 6. 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 7. Effective Date**

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

**Section 8. Certification**

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

**PASSED AND ADOPTED THIS 12<sup>th</sup> day of MAY 2022.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

\_\_\_\_\_  
Alvin Dejohnette, Chairperson

ATTEST:

\_\_\_\_\_  
Sean P. Kelleher, Planning Official

APPROVED AS TO FORM:

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

Exhibits:

Exhibit A: Draft Ordinance

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING VARIOUS SECTIONS WITHIN TITLE 9 (PLANNING AND ZONING), INCLUDING CHAPTER 9.02 (PERMITS AND APPROVALS), CHAPTER 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS), CHAPTER 9.13 (SPECIFIC PLANS), CHAPTER 9.14 (LAND DIVISIONS), AND CHAPTER 9.16 (DESIGN GUIDELINES)**

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

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

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

**WHEREAS**, staff has recommended to the Planning Commission that it consider recommending that the City Council adopt several amendments to Title 9, which include revising certain provisions of Chapter 9.02 (Permits and Approvals), Chapter 9.09 (Specific Use Development Standards), Chapter 9.13 (Specific Plans), Chapter 9.14 (Land Divisions), and Chapter 9.16 (Design Guidelines) (PEN22-0087); and

**WHEREAS**, PEN22-0087 will clarify various development standards to provide some flexibility regarding existing requirements, make it less costly for the public with respect to processing certain entitlements and streamline certain entitlement procedures for efficiency purposes, all of which will promote economic development within the City; and

**WHEREAS**, staff has determined that PEN22-0087 is consistent with the MOVAL 2040 General Plan and its goals, objectives, policies, and programs, and with any applicable specific plan; and

**WHEREAS**, staff has further determined that PEN22-0087 will not adversely affect the public health, safety or general welfare; and

**WHEREAS**, staff has also determined that PEN22-0087 is consistent with the purposes and intent of Title 9; and

**WHEREAS**, staff has determined that PEN22-0087 does not constitute a “project” pursuant to Section 15378 of the California Environmental Quality Act, in that a “project” means the whole of an action, which has a potential for resulting in either a direct physical

Ordinance No. \_\_\_\_\_  
Date Adopted: MONTH DD, YYYY

change in the environment, or a reasonably foreseeable indirect physical change in the environment, but does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment such as the adoption of the proposed amendments to Title 9, described herein.

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

**Section 1. RECITALS**

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

**Section 2. AUTHORITY**

That this Ordinance is adopted pursuant to the authority granted by Article 11, Section 7 of the Constitution of the State of California and California Government Code Section 37100 and it is not intended to be duplicative of state law, or be preempted by state legislation.

**Section 3. AMENDMENT TO TABLE 9.02.020-1 (PERMITTED USES)**

Table 9.02.020-1 (Permitted Uses) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

**Section 4. AMENDMENT TO TABLE 9.02.020-2 (PERMITTED USES MIXED USE ZONES)**

Table 9.02.020-1 (Permitted Uses Mixed Use Zones) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit B.

**Section 5. AMENDMENT TO SECTION 9.02.140 (LARGE FAMILY DAY CARE)**

Section 9.02.140 (Large Family Day Care) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit C.

**Section 6. AMENDMENT TO SECTION 9.02.320 (REASONABLE ACCOMMODATION PROCEDURES)**

Section 9.02.320 (Reasonable accommodation procedures.) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby as set forth in Exhibit D.

**Section 7. AMENDMENT TO CHAPTER 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS)**

Ordinance No. \_\_\_\_\_  
Date Adopted: MONTH DD, YYYY



Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning) is hereby amended to include Section 9.09.300 SB9 Two-Unit Residential Developments, as set forth in Exhibit E.

**Section 8. AMENDMENT TO SECTION 9.09.310 (SUPPORTIVE AND TRANSITIONAL HOUSING)**

Section 9.09.310 (Supportive and Transitional Housing.) of Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit F.

**Section 9. REPEAL OF SECTION (9.13.040 MAP DESIGNATION)**

Section 9.13.040 (Map designation.) of Chapter 9.13 (Specific Plans) of Title 9 (Planning and Zoning) is hereby repealed in its entirety.

**Section 10. AMENDMENT TO SECTION 9.13.080 (ADOPTION/AMENDMENT PROCEDURE)**

Section 9.13.080 (Adoption/amendment procedure.) of Chapter 9.13 (Specific Plans) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit G.

**Section 11. AMENDMENT TO SECTION 9.14.240 (PARCEL MAPS FOR URBAN LOT SPLITS.)**

Section 9.14.240 (Parcel Maps for Urban Lot Splits.) of Chapter 9.14 (Land Divisions) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit H.

**Section 12. AMENDMENT TO SECTION 9.16.150 (COMMERCIAL (RETAIL, OFFICE, MIXED USE).)**

Section 9.16.150 Commercial (retail, office, mixed use.) of Chapter 9.16 (Design Guidelines) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit I.

**Section 13. CEQA COMPLIANCE**

That PEN22-0087 does not constitute a “project” pursuant to Section 15378 of the California Environmental Quality Act, in that a “project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, but does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment such as the adoption of the proposed amendments to Title 9, described herein.

**Section 14. SEVERABILITY**

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court

action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

**Section 15. REPEAL OF CONFLICTING PROVISIONS**

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

**Section 16. EFFECTIVE DATE**

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

**Section 17. CERTIFICATION**

That the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

INTRODUCED at a regular meeting of the City Council on \_\_\_\_ , 2022, and PASSED, APPROVED, and ADOPTED by the City Council on \_\_\_\_\_ , 2022, by the following vote:

\_\_\_\_\_  
Dr. Yxstian A. Gutierrez  
Mayor  
City of Moreno Valley

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

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

Attachment: Resolution No. 2022-31 - Municipal Code Amendment (5818 : Spring Omnibus)

Ordinance No. \_\_\_\_\_  
Date Adopted: MONTH DD, YYYY

**ORDINANCE JURAT**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE ) ss.

CITY OF MORENO VALLEY )

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

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK \_\_\_\_\_

(SEAL)

Attachment: Resolution No. 2022-31 - Municipal Code Amendment (5818 : Spring Omnibus)

Ordinance No. \_\_\_\_\_  
Date Adopted: MONTH DD, YYYY

EXHIBIT A

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

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

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

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Bus, Rail and Taxi Stations <sup>18</sup>															◆		◆										
Business Equipment Sales (includes repairs)													X	X	X	X	X	X	X						X		
Business Schools <sup>18</sup>													X	X	X	X	X	X	X	X			X	X	X	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	C															
Churches <sup>2, 18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	C	◆	◆	◆		◆	◆	◆	◆	
Clubs <sup>18</sup>									◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆						C
Commercial Cannabis Activities <sup>17, 18</sup>																											
Cultivation																								M	M	M	
Dispensary																M	M									M	
Manufacturing																							M	M	M		
Testing																							M	M	M		
Microbusiness																	M								M		
Distribution Center																M	M						M	M	M		
Commercial Radio or Television Stations																											

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With on-site antenna																	◆						◆	◆	◆	◆	
Without on-site antenna																	X						X	X	X	X	
Communications Facilities (See Section 9.09.040 of this title)																											
Computer Sales and Repairs													X	X	X	X	X		X				X	X	X	X	
Contractors Storage Yard																							X				
Convalescent Homes/Assisted Living <sup>18</sup>								C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆					
Convenience Stores																											
With drive-through																	X	X									
Without drive-through													X	X	X	X	X										
With alcohol sales													◆	◆	◆	◆	◆										
Convention Hall, Trade Show, Exhibit Building with Incidental Food Services <sup>18</sup>															C		◆		◆		◆			◆	◆		
Copy Shops													X	X	X	X	X	X	X	X			X	X	X	X	
Country Club <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C															
Dancing, Art, Music and Similar Schools <sup>18</sup>													X	X	X	X	X	X	X	X				X	X	X	
Day Care Centers <sup>18, 19</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	C
Delicatessens <sup>18</sup>													X	X	X	X	X	X	X					X	X	X	
Diaper Supply Service																							X				
Laundry with fleet storage <sup>18</sup>																							X				
Disposal company																							X				
Drapery Shops													X	X	X	X	X	X									

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Dressmaking Shops													X	X	X	X	X	X									
Driving School <sup>18</sup>													X	X	X	X	X		X	X				X	X	X	
Drug Stores													X	X	X	X	X	X									
Dry Cleaning or Laundry <sup>18</sup>																											
a. Dry Cleaning													X	X	X	X	X	X	X							X	
b. Laundromat													X	X	X	X	X	X	X								
c. Laundry Commercial																						X	X				
Emergency Shelters <sup>14</sup>																	C		C	C	X	C				C	
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack) <sup>18</sup>	C	C	C	C													♦										C
Exterminators																	C						X	X	X	X	
Farm Worker Housing <sup>18</sup>										X	X	X	X														
Feed and Grain Stores																X	X	X									
Fire and Police Stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Floor Covering Stores (may include incidental repairs with installation service)													X	X	X	X	X						X				
Fraternity/Sorority <sup>18</sup>									C	C	C	C	C														
Frozen Food Locker																							X	X			
Gasoline Dispensing - Non-retail accessory to an auto-related use <sup>18</sup>																	X						X	X	X	X	
Glass Shops and Glass Studios—Stained, etc.																X	X						X	X		X	

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Golf Courses or Golf Driving Ranges with Incidental Commercial Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C															◆
Handicapped Housing <sup>18</sup>								X	X	X	X	X	X	X	X												
Heavy Equipment Sales and Rentals																	X							X	X		
Hospitals <sup>18</sup>															◆	◆		◆	◆						C	C	C
Hotels <sup>18</sup>																											
a. With 20% or less of the units containing kitchens													X	X	X		X		C				X	X	X		
b. With over 20% of the units containing kitchens													C	C	C		C		C				C	C	C		
Ice Cream Stores—Including Yogurt Sales													X	X	X	X	X	X	X							X	
Impound Yards																							X				
Jewelry Stores													X	X	X	X	X	X									
Kennel and Catteries	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		◆	◆	◆	◆	C				
Laboratories (medical and dental) <sup>18</sup>													X	X	X	X	X		X	X		X	X	X	X		
Libraries <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	
Liquor Stores													◆	◆		◆	◆										
Live/Work Unit <sup>12, 18</sup>													X	X	X												
Locksmith Shops													X	X	X	X	X	X					X	X	X	X	
Lodge Halls and Similar Facilities <sup>18</sup>													◆	◆	◆	◆	◆		◆					◆	◆		
Lumberyards																	X						X				
Mail Order House																	X						X	X	X	X	
Manufacturing and Assembly <sup>18</sup>																											

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
a. Custom and light manufacturing indoor uses only (50,000 square feet or less), with light truck traffic, on-site and wholesaling of goods produced																						X	X	X	X	
b. Custom and light manufacturing indoor uses only (more than 50,000 square feet), with light truck traffic, on-site and wholesaling of goods produced																						X	X			
c. General manufacturing with frequent truck traffic and/or outdoor equipment or storage																						X	X			
d. Retail sales of goods produced or warehoused on-site <sup>3</sup>																						X	X	X	X	
Medical Clinics/Medical Care <sup>18</sup>																										
Inpatient care													X	X	X	X	X		X	X		X	X	X	X	
Urgent care													X	X	X	X	X		X	X						
Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices															X	X		X								
Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory equipment															X	X		X								
Mobile Home Parks <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C															
Mobile Home Sales or Rentals (outdoor display)																	C									
Mortuaries																										

Attachment: Resolution No. 2022-31 - Municipal Code Amendment (5818 : Spring Omnibus)

EXHIBIT A

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
With cremation services																											
No cremation services			C	C	C	C	C	C	C	C	C	C			◆	◆	◆							X	X	X	X
Museums <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Newspaper and Printing Shops													X	X	X	X	X					X	X	X	X		
Nightclubs <sup>18</sup>														C	C		C										
Nursery, (Plant), Wholesale and Distribution	X	X	X	X																		X	X			X	
Offices (administrative and professional) <sup>18</sup>													X	X	X	X	X	X	X	X			X	X	X		
Open Air Theaters <sup>18</sup>															C						C					C	
Orphanages <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C															
Painting Contractor																						X	X				
Parcel Delivery Terminals <sup>18</sup>																						X	X	X	X		
Parking Lot															C	C	X	X	C					X			
Parks and Recreation Facilities (public) <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Personal Services (e.g., nail salons, spa facilities <sup>15</sup> , barber and beauty shops, and tattoo parlors) <sup>18</sup>													X	X	X	X	X	X	X						X		
Pharmacy <sup>4</sup>													X	X	X	X	X	X	X						X		
Photo Studios													X	X	X	X	X	X	X						X		
Plumbing Shops																X									X		
Plumbing Supply Stores for Contractors																							X	X	X		
Pool Hall <sup>18</sup>														◆		◆	◆										
Postal Services													X	X	X	X	X	X	X				X	X	X		
Pottery Sales with Outdoor Sales													X	X	X	X	X	X				X			X		

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	Residential Zones													Mixed Use Overlay			Commercial & Office Zones					Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Public Administration, Buildings and Civic Centers <sup>18</sup>													X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆	X	X	◆	◆	C	
Racetracks <sup>18</sup>																	C				C						
Record Store													X	X	X	X	X	X									
Recording Studio													X	X	X	X	X	X	X	X		X	X	X	X		
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆									
Recycling, Large Collection Facility <sup>5</sup>																	◆					X	X				
Recycling, Small Collection Facility													X	X	X	X	X	X									
Recycling Processing Centers													X	X	X	X	X	X	X	X		X	X	X	X		
Refreshment Stands													X	X	X	X	X	X	X	X	X	X	X	X	X		
Rental Service																											
Within an enclosed structure (furniture, office, party supplies)													X	X	X	X	X	X				X	X	X	X		
With outdoor storage and display (vehicles, equipment, etc.)																◆	◆					X	X				
Research and Development <sup>18</sup>													X	X	X				X	X		X	X	X	X		
Residential <sup>18</sup>																											
Single-Family	X	X	X	X	X	X	X	X	X																		
Multiple-Family										X	X	X	X	X	X												
Manufactured home park (see mobile home parks)																											

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	CHR	RR	CR1	CRA2	CR2	CR3	CR5	CRS10	CR10	CR15	CR20	CR30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Residential Care Facility (for seven or more persons) <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X												
Restaurants (Eating and Drinking Establishments) <sup>18</sup>																											
Without entertainment													X	X	X	X	X	X	X								X
With Limited Live entertainment													X	X	X	X	X	X	X								
With alcoholic beverage sales													X	X	X	X	X	X	X								X
With outdoor seating <sup>13</sup>													X	X	X	X	X	X	X								X
Restaurants (fast-food) <sup>18</sup>																											
With drive-through																◆	◆										◆
Without drive-through													X	X	X	X	X										X
Retails Sales													X	X	X	X	X	X									
Support Retail Sales													X	X	X				X								X
Sandwich Shops <sup>6</sup>													X	X	X	X	X	X	X	X <sup>6</sup>							
Schools, Private	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆		◆	◆						◆	◆
Senior Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X							
Shoe Shine Stands													X	X	X	X	X		X	X				X	X		
Shoe Repair Shop													X	X	X	X	X	X									
Sign Shop													X	X	X	X	X	X				X	X	X	X		
Single room occupancy (SRO) facility <sup>18</sup>											C	C	C	C		X											
Skating Rinks <sup>18</sup>														X			X										
Smoke Shops <sup>16</sup>																S	S	S	S								
Stationery Stores													X	X	X	X	X	X	X					X	X		
Statue Shop -Outdoor display																	◆					X	X				

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Storage Lots and Mini-Warehouses																											
Indoor																	C						X				
Outdoor																	C						X				
Supportive and Transitional Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X							
Swim Schools/Center with Incidental Commercial Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C					X										
Taxidermist																	X					X	X				
Theaters (excludes open air) <sup>18</sup>													X	X	X	X	X	X									
Tire Recapping																						X					
Trade and Vocational Schools <sup>18</sup>													X	X	X		X		X	X			X	X	X		
Transfer, Moving and Storage Facilities																						X	X				
Truck Wash																						X	X				
Upholstery Shops																	X					X	X		X		
Vehicle Storage Yards																											
Indoor																	X					X	X				
Outdoor																	C					X	X				
Vending Machine Service and Repair																						X	X	X	X		
Veterinarian (including animal hospital) <sup>18</sup>																											
All activities within an enclosed structure													X	X	X	X	X							X	X		
With outdoor activities																	♦							♦	♦		
Weight Reduction Center													X	X	X	X	X	X	X								
Wholesale, Storage, and Distribution <sup>18</sup>																											

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
All activities indoors (50,000 square feet or less)																						X	X	X	X	
All activities indoors (more than 50,000 square feet)																						X	X			
All activities outdoors																						X				
Retail sale of goods warehoused on-site <sup>7</sup>																						X	X	X		
Wrecking Yard																						♦				

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

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**EXHIBIT A**

- (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.

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

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**EXHIBIT B**

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

X - Indicates stated use is permitted subject to zoning requirements.  
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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, Aircraft and Boat Sales, Leasing, and Incidental Minor Repairs and Accessory Installations	♦	X	♦				
Auto Service Stations a) Accessory uses include convenience store and car wash b) Minor repairs to include auto/boat/motorcycle/RV (excludes major repair, paint, body work)	X	♦	♦	♦			
Automotive, Boat, Motorcycle and RV Repair—Minor (includes brake, muffler and tire installation and repair)	♦		♦				
Automotive Paint and Body Repair—Major Engine Overhaul	♦		♦				

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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)
Auto Rentals	X		X				
Auto Supply Stores			X	X	X	X	X
Bakery Shops		X	X	X	X	X	X
Bakery—Commercial <sup>18</sup>							
Banks—Financial Institutions <sup>18</sup>		X	X	X	X	X	X
Barber and Beauty Colleges <sup>18</sup>		X	X	X	X	X	X
Bars (Drinking Establishments) <sup>18</sup>							
Bars			C	C	C	C	C
Bars, with Limited Live Entertainment			C	C	C	C	C
Boarding and Rooming Houses <sup>18</sup>					X	X	
Bowling Alley <sup>18</sup>			X	X	♦	♦	♦
Building Material Sales (with or without outdoor sales) <sup>18</sup>	♦		♦				
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				
Car Wash	X		X				
Accessory to auto related use							
Catering Service			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)
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			
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	♦	♦	♦	♦	♦	♦	♦

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**EXHIBIT B**

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

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

	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)
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							
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>							

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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)
Feed and Grain Stores	X		X				
Fire and Police Stations	X	X	X	X	X	X	X
Floor Covering Stores (may include incidental repairs with installation service)	X	X	X	X	X	X	X
Fraternity/Sorority <sup>18</sup>							
Frozen Food Locker							
Gasoline Dispensing - Non-retail accessory to an auto-related use <sup>18</sup>	X		X	X			
Glass Shops and Glass Studios—Stained, etc	X		X	X			
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses <sup>18</sup>				C			
Handicapped Housing <sup>18</sup>			X	X	X	X	X
Heavy Equipment Sales and Rentals	X						
Hospitals <sup>18</sup>			♦	♦			♦
Hotels <sup>18</sup>							
a. With 20% or less of the units containing kitchens		X	X	X	X	X	X
b. With over 20% of the units containing kitchens		C	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
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

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

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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				
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

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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)
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices <sup>18</sup>					♦	♦	♦
Racetracks <sup>18</sup>							
Record Store			X	X	X	X	X
Recording Studio	X	X	X	X	X	X	X
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses <sup>18</sup>	♦	♦	♦	♦	♦	♦	♦
Recycling, Large Collection Facility <sup>5</sup>							
Recycling, Small Collection Facility	X		X	X	X	X	X
Recycling Processing Centers							
Refreshment Stands					X	X	X
Rental Service							
Within an enclosed structure (furniture, office, party supplies)	X		X		X	X	X
With outdoor storage and display (vehicles, equipment, etc.)	♦						
Research and Development <sup>18</sup>	X	X	X	X	X	X	X
Residential <sup>18</sup>							
Single-Family				X			
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
With Limited Live entertainment			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 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				
Outdoor	C						
Support and Transitional Housing			X	X	X	X	X
Swim Schools/Center with Incidental Commercial Uses <sup>18</sup>			X	C			

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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)
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							
Veterinarian (including animal hospital) <sup>18</sup>	X						
All activities within an enclosed structure	X	X	X	X	X	X	X
With outdoor activities			♦				
Weight Reduction Center	X	X	X	X	X	X	X
Wholesale, 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	X						

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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).
- (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.

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

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**EXHIBIT C****9.02.140 Small and Large Family Day Care Home Standards in Residential Dwelling Units.**

- A. Purpose and Intent. The use of a home as a small or large family daycare home shall be considered a residential use of property.
- B. Small and large family day care homes shall be constructed, maintained and operated in the following manner:
  - 1. The facility shall conform to all property development standards and operational standards of the residential land use district in which it is located.
  - 2. Fences and walls shall be installed and maintained pursuant to Section 9.08.070 (Fences and Walls), applicable to the residential land use district and type of residence in which the family day care home is located.
  - 3. On-site landscaping shall be installed and maintained pursuant to Chapter 9.17 (Landscape and Water Efficiency Requirements) applicable to the residential land use district and type of residence in which the family day care home is located.
  - 4. The facility shall contain a fire extinguisher, smoke detector and carbon monoxide devices as required by state law, and meet all state standards and codes, and comply with any other standards adopted by the City of Moreno Valley for residential uses in the same zone.
  - 5. All family day care homes shall be state licensed and shall be operated according to all applicable State of California Health and Safety Code , as well as all state licensing requirements as set forth by state law (1597.46).
- C. A Small and Large Family Day Care shall be reviewed ministerial by the City to ensure conformance with the standards identified herein.

## EXHIBIT D

### 9.02.320 Reasonable accommodation procedures.

- A. Purpose and Intent. It is the purpose of this section to provide reasonable accommodations in the city's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.
- B. Definitions. The following terms as used in this section shall, unless the context clearly indicates otherwise, have the following meanings:
- “Applicant” means a person, business, or organization making a written request to the city for reasonable accommodation in the strict application of the city's zoning and land use laws, rules, policies, practices and/or procedures.
- “Person with a disability” means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment. Such an impairment shall not include an individual's current, illegal use of a controlled substance.
- “Fair Housing Laws” means the “Federal Fair Housing Act” (42 U.S.C. Section 3601, et seq.), the Americans with Disabilities Act, and the “California Fair Employment and Housing Act” (California Government Code Section 12900, et seq.), as these statutes now exist or may be amended from time to time, and each Act's implementing regulations.
- “Reasonable accommodation” in the land use and zoning context, reasonable accommodation means providing individuals with disabilities or developers of housing for people with disabilities with flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to provision of housing or service opportunities.
- C. Authority of the Planning Official. The planning official is hereby designated to approve, conditionally approve, or deny, without public hearing, all applications for a reasonable accommodation.
- D. Procedure for Application Review.
1. Applicant. A request for a reasonable accommodation may be made by any person with a disability, his or her representative, or a developer or provider of housing for individuals with a disability.
  2. Application. An application for a reasonable accommodation shall be made on a form provided by the planning department. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits. If an individual needs assistance in making the

**EXHIBIT D**

request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible.

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

**EXHIBIT D**

- a. The requested accommodation is requested by or on behalf of one or more persons with a disability protected under the Fair Housing Laws.
  - b. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
  - c. The requested accommodation will not impose an undue financial or administrative burden on the city.
  - d. The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning program.
  - e. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
2. In determining whether the requested reasonable accommodation is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy a dwelling, the city may consider, but is not limited to, the following factors:
- a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;
  - b. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;
  - c. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;
  - d. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
3. Rules While Decision is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- F. Notice of Decision.



## EXHIBIT D

1. The planning director shall issue a written determination to approve, conditionally approve, or deny a request for a reasonable accommodation. The planning director may elect to forward the matter to the planning commission for consideration of the application.
  2. Appeals of the director's action shall be made in accordance with Section 9.02.240.
- G. Expiration, Time Extension, Violation, Discontinuance, and Revocation.
1. Expiration. Any reasonable accommodation approved in accordance with the terms of this section shall expire within twenty-four (24) months from the effective date of the approval, or at an alternative time specified as a condition of the approval, unless:
    - a. A building permit has been issued and construction has commenced;
    - b. A certificate of occupancy has been issued;
    - c. The use is established; or
    - d. A time extension has been granted.
  2. Time Extension.
    - a. The planning director may, upon an application being filed prior to expiration and for good cause, grant a time extension of up to three one-year extensions of time. Each extension of time shall be granted in one-year increments only. Upon granting of an extension, the planning director shall ensure that conditions of the administrative approval comply with all current development code provisions.
    - b. Notice. Notice of the planning director's decision on a time extension shall be provided in writing. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process.
    - c. Appeal of Determination. A time extension for a reasonable accommodation shall be final unless appealed to the city council within fourteen (14) calendar days of the date of mailing of the determination. An appeal shall be made in writing and shall be noticed and heard pursuant to the procedures established in Section 9.02.240 of this code.
  3. Discontinuance. If the person(s) with a disability for whom the reasonable accommodation was originally granted vacate the residence to which the reasonable accommodation applies, the reasonable accommodation shall remain in effect only if the planning director determines that: (a) the

**EXHIBIT D**

modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the municipal code; or (b) the accommodation is necessary to give another person with a disability an equal opportunity to enjoy the dwelling. The planning director may request that the applicant, or his/her successor-in-interest, provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within thirty (30) days of the date of a request by the city shall constitute grounds for discontinuance by the city of a previously approved reasonable accommodation.

4. Revocation. Procedures for revocation shall be as prescribed by Section 9.02.260. Any reasonable accommodation approved in accordance with the terms of this code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.
- H. Amendments. A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The planning director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

## EXHIBIT E

### 9.09.300 SB9 Two-Unit Residential Developments.

- A. Purpose and Intent. The purpose of this section is to regulate qualifying SB 9 two-unit residential developments and urban lot splits within single-family residential zones in accordance with California Government Code Sections 65852.21 and 66411.7.
- B. Applicability. The standards and limitations set forth in this section shall apply to urban lot splits and the development and use of SB 9 two-unit residential developments within a single-family residential zone in the City, notwithstanding any other conflicting provisions of this code. In the event of a conflict between the provisions of this section and any other provision of this code, the provisions of this section shall prevail.
- C. Permit Application and Review Procedures. An application for an SB 9 two-unit residential development or an urban lot split shall be submitted on a form prescribed by the City, along with all information and materials prescribed by such form. The Community Development Director will review the application for consistency with state law, consider and approve or disapprove a complete application for an SB 9 two-unit residential development or an urban lot split ministerially, without discretionary review or public hearing.
1. Nonconforming Conditions. An SB 9 two-unit residential development may only be approved if all nonconforming zoning conditions are corrected. The correction of legal nonconforming zoning conditions is not a condition for ministerial approval of a parcel map for an urban lot split.
  2. Effectiveness of Approval. The ministerial approval of an SB 9 two-unit residential development or a parcel map for an urban lot split does not take effect until the city has confirmed that all required documents have been recorded.
  3. Hold Harmless. Approval of an SB 9 two-unit residential development or a parcel map for an urban lot split shall be conditioned on the applicant agreeing to defend, indemnify and hold harmless the city, its officers, agents, employees and/or consultants from all claims and damages (including attorney's fees) related to the approval and its subject matter.
  4. Specific and/or Adverse Impacts. Notwithstanding anything else in this section, the Community Development Director may deny an application for an SB 9 two-unit residential development or a parcel map for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

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- D. Qualifying Requirements. A proposed urban lot split or SB 9 two-unit residential development must meet all of the following requirements in order to qualify for ministerial review pursuant to the provisions of this section. It shall be the responsibility of the applicant to demonstrate to the reasonable satisfaction of the Community Development Director that each of these requirements is satisfied. The applicant and each owner of the property shall provide a sworn statement, attesting to all facts necessary to establish that each requirement is met.
1. The subject property shall be located within a single-family residential zone.
  2. The proposed development shall not be located on any site identified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of California Government Code Section 65913.4, unless the development satisfies the requirements specified therein. Such sites include, but are not limited to, prime farmland, wetlands, high or very high fire hazard severity zones, special flood hazard areas, regulatory floodways, and lands identified for conservation or habitat preservation.
  3. The proposed development shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the California Public Resources Code.
  4. The proposed development shall not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  5. The proposed development shall not require the demolition or alteration of housing that is subject to any form of rent or price control.
  6. The proposed development shall not require the demolition or alteration of housing that has been occupied by a tenant within the last three (3) years.
  7. If any existing or previously demolished housing unit on the lot has been occupied by a tenant in the last three (3) years, the proposed development shall not involve the demolition of more than 25 percent of the existing exterior structural walls of any housing unit on the lot.
  8. The subject property shall be owned solely by one or more individual property owners.
  9. In the case of an urban lot split, the lot proposed to be subdivided shall not have been established through a prior urban lot split.
  11. In the case of an urban lot split, the lot proposed to be subdivided (“subject lot”) is not adjacent to any lot that was established through an urban lot split by the owner of the subject lot or by any person acting in concert with the owner of the subject lot.

**EXHIBIT E**

12. No unpermitted construction or illegal nonconforming zoning conditions shall exist on the property.
  13. All units shall have a dedicated address.
- E. Permitted Locations. A lot on which an urban lot split or SB 9 two-unit residential development is proposed must be located within a single-family residential zone. A lot located within a multiple-family or mixed-use zone shall not be eligible to be subdivided through an urban lot split or developed with an SB 9 two-unit residential development pursuant to this section.
- F. Number of Dwelling Units Permitted on a Lot.
1. Notwithstanding any other provisions of this code, state law requires the city to permit a lot located within a single-family residential zone to contain two primary dwelling units, provided both units are developed and maintained in compliance with the standards and requirements set forth in this section.
  2. Provided the lot is not subdivided or created through an urban lot split, development of two primary dwelling units on a lot through an SB 9 two-unit residential development in conformance with this section does not preclude the development or maintenance of one or more ADUs and/or JADUs on the lot to the extent permitted by Section 9.09.130 and state law.
  3. No more than two (2) dwelling units of any kind may be constructed or maintained on a lot that results from an urban lot split. For purposes of this subdivision, the two-unit limitation applies to any combination of primary dwelling units, ADUs, and JADUs.
- G. Separate Conveyance.
1. Primary dwelling units located on the same lot may not be owned or conveyed separately from one another. All fee interest in a lot and all dwellings must be held equally and undivided by all individual owners of the lot.
  2. Separate conveyance of the two lots resulting from an urban lot split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, or if the two lots share a driveway, appropriate covenants, easements or similar documentation allocating legal and financial rights and responsibilities between the owners of the two lots (“CC&Rs”) for construction, reconstruction, use, maintenance, and improvement of the attached structures and any related shared drive aisles, parking areas, or other portions of the lot must be recorded before the city will approve a final parcel map for the urban lot

## EXHIBIT E

split. Notwithstanding the provision of such CC&Rs, however, where attached structures and/or related shared facilities span a lot line resulting from an urban lot split, all owners of both lots shall be jointly and severally responsible for the use and maintenance of such structures and/or shared facilities in compliance with all provisions of this Code.

3. Condominium airspace divisions and common interest developments are not permitted on a lot created through an urban lot split or containing an SB 9 two-unit residential development.
- H. Residential Use Only. No non-residential use is permitted on any lot created through an urban lot split or containing an SB 9 two-unit residential development.
- I. No Short-Term Rentals Permitted. The rental of any dwelling unit on a lot created through an urban lot split or containing an SB 9 two-unit residential development shall be for a term longer than 30 consecutive days.
- J. Housing Crisis Act Replacement Housing Obligations. If the proposed development will result in the demolition of protected housing, as defined in California Government Code Section 66300, the applicant shall replace each demolished protected unit and comply with all applicable requirements imposed pursuant to subsection (d) of Government Code Section 66300.
- K. Standards and Requirements. A qualifying SB 9 two-unit residential development and any development on a lot created through an urban lot split shall be subject to the standards and criteria set forth in this section.
1. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
  2. Except for those circumstances described above in K.1, the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the single-family residential zone.
  3. Except for those circumstances described above in D. Qualifying Requirements, the demolition or alteration of a structure is allowed for developments proposed under this Section.
  4. The applicant shall provide easements for the provision of public services and facilities as required.
  5. Off-street parking shall be limited to one space per unit, except that no parking requirements shall be imposed if the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3.

## EXHIBIT E

6. Any residential accessory structure proposed in conjunction with or following the development of, a two-unit residential development shall meet the requirements of Section 9.08.030 (Accessory structures) of Chapter 9.08 (General Development Standards).
  7. All setback areas, and all areas not designated for walkways, parking, drive aisles, and private open space, shall be fully landscaped and irrigated. Each development shall comply with the landscaping and irrigation requirements contained in Section 9.17.070 (Single-family residential development) of Chapter 9.17 (Landscape and Water Efficiency Requirements).
  8. If there is an existing primary dwelling that was legally established on the lot prior to the filing of a complete application for a two-unit development or an urban lot split, any new additional primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch.
  9. If two new primary dwelling units are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch.
  10. All developments shall provide each unit with the appropriate number of containers for recyclables, organics, and non-recyclable solid waste (“trash containers”).
- L. Additional Requirements for Urban Lot Splits.
1. An urban lot split must conform to all applicable objective requirements of the Subdivision Map Act, including implementing requirements in this code, except as otherwise provided in this section. Notwithstanding the foregoing, no dedication of rights-of-way or construction of offsite improvements is required solely for an urban lot split.
  2. Lot Size. The parcel map for an urban lot split must subdivide an existing lot to create no more than two new lots of approximately equal lot area, provided that one lot shall not be smaller than 40 percent of the lot area of the original lot proposed for subdivision. Both newly created lots must each be no smaller than 1,200 square feet.
- M. Easements.
1. The owner must enter into an easement agreement with each utility/public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
  2. Each easement must be shown on the tentative parcel map and the final parcel map.
  3. Copies of the unrecorded easement agreements must be submitted with

**EXHIBIT E**

the application. The easement agreements must be recorded against the property before the final parcel map may be approved.

- N. Improvements required. Each resulting lot must be developed in accordance with improvement plans processed concurrently with the parcel map application and approved by the city, showing the location and dimensions of all structures, drive aisles, parking areas, pedestrian pathways, and other improvements proposed to be constructed or to remain on each lot.

Approval of a parcel map for an urban lot split shall be subject to the City's approval of such related improvement plans and all related entitlements or other approvals required by this code. Any proposed development on one of the lots that is inconsistent with or not shown on the improvement plans approved concurrently with the urban lot split shall be subject to review and approval by the city in accordance with the applicable requirements of this code.

- O. Deed restrictions. Prior to approval of a parcel map for an urban lot split and/or the issuance of a building permit for the development of an SB 9 two-unit residential development, the owner(s) of record of the property shall provide a copy of a covenant agreement, declaration of restrictions, or similar deed restriction ("deed restriction") recorded against the property in a form acceptable to the City, and that does each of the following:
1. Expressly requires the rental of any dwelling unit on the property be for a term longer than 30 consecutive days.
  2. Expressly prohibits any non-residential use of the lot.
  3. Expressly prohibits primary dwelling units located on the same lot from being owned or conveyed separately from one another.
  4. Expressly requires all fee interest in each lot and all dwellings to be held equally and undivided by all individual owners of the lot.
  5. Expressly prohibits condominium airspace divisions and common interest developments on the property.
  6. States that the property was formed and/or developed pursuant to the provisions of this section and is therefore subject to the city regulations set forth in this section, including all applicable limits on dwelling size and development.
  7. Expressly prohibits more than two (2) dwelling units of any kind from being constructed or maintained on a lot that results from an urban lot split.
  8. States the following:



**EXHIBIT E**

- a. That the deed restriction is for the benefit of and is enforceable by the city;
  - b. That the deed restriction shall run with the land and shall bind future owners, their heirs, and successors and assigns;
  - c. That lack of compliance with the deed restriction shall be good cause for legal action against the owner(s) of the property;
  - d. that, if the city is required to bring legal action to enforce the deed restriction, then the city shall be entitled to its attorneys' fees and court costs; and
  - e. that the deed restriction may not be modified or terminated without the prior written consent of the City.
- P. Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)” shall have the meanings ascribed to these terms in Section 9.09.130.

“Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).

“New primary dwelling unit” means either a new, additional dwelling unit that is created or an existing dwelling unit that is expanded, but does not include an ADU or a JADU.

“Single-family residential zone” shall have the same meaning as in California Government Code Section 65852.21. A single-family residential zone includes all Single-Family Residential zoning district and any property within a planned unit development district or a specific plan area where a single-family dwelling is a permitted use, but a duplex, triplex, or multiple-family dwelling is not a permitted or conditionally permitted use.

“SB9 two-unit residential development” shall mean a housing development containing no more than two primary residential units within a single-family residential zone that qualifies for ministerial review pursuant to California Government Code Section 65852.21 and this section. A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing primary unit.

**EXHIBIT E**

“Urban lot split” shall have the same meaning as stated in California Government Code Section 66411.7.

- Q. Interpretation. The provisions of this section shall be interpreted to be consistent with the provisions of California Government Code Sections 65852.21 and 66411.7 and shall be applied in a manner consistent with state law. The city shall not apply any requirement or development standard provided for in this section to the extent prohibited by any provision of state law.

**EXHIBIT F****9.09.310 Supportive and Transitional Housing.**

- A. Use and Zoning. Supportive and transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. This includes residential zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development satisfies all of the requirements of Government Code Section 65651.
- B. Definitions. For the purposes of this section, certain words or phrases used in this section are defined as follows:
1. "Supportive housing" means a facility that provides housing with no limit on length of stay, that is occupied by the target population as defined by Section 50675.14 of the California Health and Safety Code, and that is linked to on-site or off-site services that assist tenants in retaining housing, improving their health status, maximizing their ability to live and, when possible, work in the community.
  2. "Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months (Health and Safety Code Section 50675.2(h)).
  3. "Target population" means adults with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services under the Lanterman Developmental Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code, commencing with Section 4500) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people (Health and Safety Code Section 50675.14(3)(A)).

**EXHIBIT G****9.13.080 Adoption/amendment procedure.**

A specific plan shall be adopted, amended and repealed by resolution and may be amended as often as deemed necessary by the legislative body.

**EXHIBIT H****9.14.240 Parcel Maps for Urban Lot Splits**

- A. Purpose and Intent. The purpose of this section provides the provisions to the processing of parcel maps for urban lot splits pursuant to California Government Code section 66411.7 and Section 9.09.300 (SB 9 Two-Unit Residential Developments) of the Moreno Valley Municipal Code.
- B. Applicability. Notwithstanding the Subdivision Map Act or any other provision of this section, an application for a parcel map for an urban lot split is approved or denied ministerially, by the City's Community Development Director without discretionary review. A tentative parcel map for an urban lot split is approved ministerially if it complies with the requirements of Section 9.09.300 (SB 9 Two-Unit Residential Developments) and applicable objective requirements of Chapter 9.14 (Land Divisions) and the Subdivision Map Act. The tentative parcel map may not be recorded. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements.
- C. Guidance and Procedures. The City Engineer has the authority to interpret and establish guidance and procedures for the processing, approving, and finalizing parcel maps for urban lot splits, which are consistent with state and local law.

**EXHIBIT I****9.16.150 Commercial (retail, office, mixed use).**

- A. Commercial design guidelines address the various types and intensities of commercial uses allowed for in the general plan. They include neighborhood commercial, community commercial, tourist recreational commercial, village commercial, office commercial and office.
1. Neighborhood Commercial: provides for the daily shopping needs of area residents with a wide range of common retail and personal service needs.
  2. Community Commercial: more intense than neighborhood commercial, provides for the general shopping needs of area residents and workers with a wide variety of retail and personal services.
  3. Tourist Recreational Commercial: provides those commercial support activities that are necessary or incidental to recreation uses while meeting the personal service needs of both tourists and city residents alike.
  4. Village Commercial: provides for office-related and commercial development within the Moreno townsite. It is the further intent of this designation to promote development which recognizes the historic significance of the site and projects a “turn-of-the-century” architectural atmosphere, yet provides limited retail commercial services that are compatible with the surrounding residential community.
- B. General Guidelines.
1. Commercial development shall be compatible with adjacent residential areas by incorporating landscape buffers planted with a mix of flowering, screening and spreading plants, by using low mass, low height building elements, by locating loading and trash collection areas away from residential property lines and by directing circulation away from residential neighborhoods.
  2. Commercial development shall have a central place, main focal feature or point of-emphasis, including pedestrian seating, shade structures, sculpture, water elements, centralized outdoor dining or any combination of these elements.
  3. New development should respect pedestrian needs by incorporating pedestrian ways and plazas that provide visual interest at the street level, shelter from the elements and adequate street furniture. This guideline is intended to enhance pedestrian related features in concert with quality architecture that would not require variance approval if incorporated as a feature of design.
  4. The development of new, small convenience centers on sites less than eight acres is discouraged.

**EXHIBIT I**

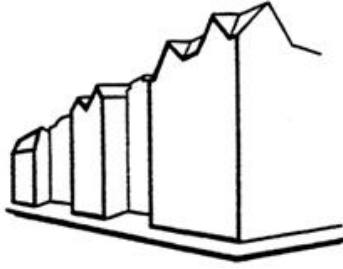
5. Architectural elements shall be an integral part of the façade design, avoiding the “pasted-on” look.
6. Building façades should relate to overhangs, awnings, trellises and porticoes, incorporating these elements into building massing.
7. Pedestrian covered walks should have a clear walking width of seven feet along retail storefronts. Walkway width may be up to twelve (12) feet to accommodate columns, furniture or building articulation.
8. Large structures shall incorporate varied setbacks and variations in massing of building bulk.
9. Continuous, blank building elevations shall be avoided, particularly when visible from public rights-of-way.
10. Continuous building mass should be divided into smaller units, providing both variety and scale.
11. Loading areas shall be oriented away from street side elevations whenever possible and shall be screened from public view with a combination of walls and landscaping.
12. Building placement within office developments shall occur at or near the street setback line to bring the architectural image to the street and to remove parking lots to the extent possible from the streetscape.
13. Vehicular and pedestrian travel shall be separated to the best possible extent, providing for a safe pedestrian environment and smooth traffic flow.
14. Pedestrian walkways shall be provided in larger parking lots, encouraging foot travel out of vehicular drive lanes.
15. Freestanding or clustered retail, restaurant and office pads are encouraged, helping to add variety to the site plan and to introduce interesting architectural elements.
16. Interparcel access shall be provided between commercial centers, reducing the number of drive approaches from the street and encouraging commercial “crossover.”
17. Entry drive throats shall be at least sixty (60) feet long from property line for major commercial projects, providing adequate queuing for outbound traffic and smoothing inbound traffic flow.
18. Each commercial center of five acres or more shall have at least one major entry containing a median.

**EXHIBIT I**

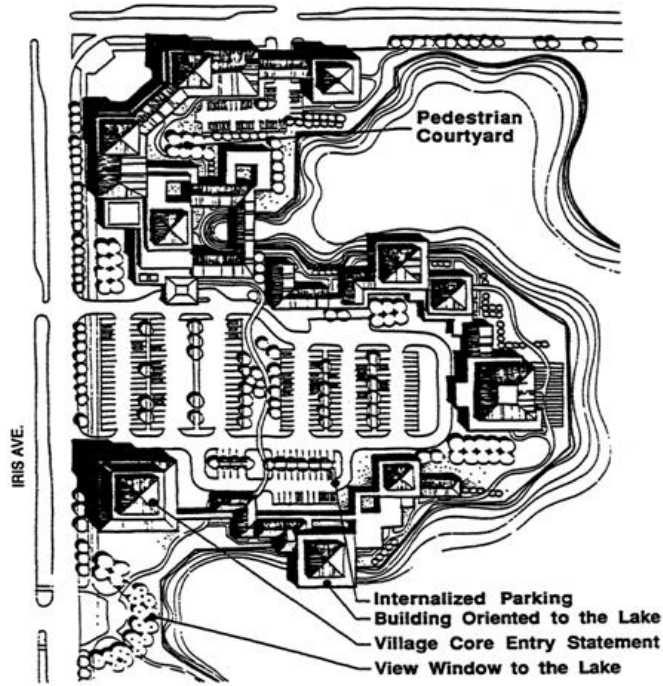
19. The “strip” commercial image is discouraged. New development should provide variety and articulation in storefront footprints, elevations and roofline.
20. There shall be landscaped strip equal to the building height where a commercial use is located adjacent to residentially zoned property.
21. Office developments shall provide courtyards for each building convenient to office users, incorporating seating, sculpture, accent landscaping and shelter. These shelters will allow for small lunch gatherings or relaxation.
22. Office developments shall have decentralized parking. Parking shall be oriented to the building it is intended to serve and shall be spread throughout the site, lessening the impact of an expansive parking lot.
23. Office developments shall offer interesting site plans by providing several detached or clustered buildings.
24. Access to service bays of automotive uses shall be from the interior of the site.
25. Service stations, mini markets and other automobile-related uses shall have architectural details consistent with the overall project design. Access to service bays will be from the interior of the service station site. Window placement should be sensitive to casual police surveillance.
26. Hotels 4 stories and over shall include rooftop amenities (e.g., restaurant, bar, swimming pool or other amenities as accepted by the Community Development Director).
27. Freestanding buildings should incorporate distinctive massing, adding interest to the site and vicinity.
28. Intimate scale in building design and materials selection is encouraged, emphasizing comfort and warmth.
29. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and drain into a landscape area for water quality, retention and absorption to reduce water run-off.
30. Architectural design of new projects shall be mindful of the surrounding district’s urban fabric, providing a design statement to enhance the context and to upgrade the overall image. 86 Continuous Mass Divided to Provide Scale



EXHIBIT I



Continuous Mass Divided to Provide Scale



Commercial Center with Separated Pedestrian and Auto Circulation

**Strikeout/Underline Code Amendments**

**Permitted Uses Table 9.02.020-1**

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

	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
Adult Businesses																	A		A	A	P	A	A	A	A	
Agricultural Uses—Crops Only <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Agricultural (involving structures)																						X				
Aircraft Landing Facilities																	C		C	C	C	C				
Ambulance Service																	◆				◆	X	X	X	X	
Amusement Parks, Fairgrounds <sup>18</sup>																	◆					X				
Animal Raising (see Section 9.09.090 of this title) <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Appliance and Electronic Repair Shops													X	X	X	X	X					X	X		X	
Arcades, Video Machines																◆	X	◆								
Athletic Clubs, Gymnasiums and Spas <sup>18</sup>													X	X	X	X	X		X			X	X	X	X	
Auction Houses <sup>18</sup>																	X								X	
Auditoriums <sup>18</sup>													◆	◆	◆		◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Auto Electronic Accessories and Installation																	X					X	X		X	
Automobile Fleet Storage																						X	X			
Automobile, Motorcycle, Truck, Golf Cart, Recreational Vehicle and Boat Sales and Incidental Minor Repairs and Accessory Installations																	◆					X	X			
Auto Service Stations																										
Accessory uses include convenience store and car wash																	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆

Attachment: Strikeout / Underline Draft (5818 : Spring Omnibus)

# Strikeout/Underline Code Amendments

**Permitted Uses Table 9.02.020-1**

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

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

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	Residential Zones													Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
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Bus, Rail and Taxi Stations <sup>18</sup>															◆		◆										
Business Equipment Sales (includes repairs)													X	X	X	X	X	X	X							X	
Business Schools <sup>18</sup>													X	X	X	X	X	X	X	X				X	X	X	
Business Supply Stores													X	X	X	X	X		X				X	X		X	
Cabinet Shop																							X	X	X	X	
Caretakers Residence <sup>1</sup>																◆	◆	C	◆	◆	◆	◆	◆	◆	◆	◆	◆
Car Wash																X	X						X				
Accessory to auto related use																◆	◆						X				
Catering Service													X	X	X	X	X	X							X	X	
Cemetery (Human or Pet) With or Without Accessory Mortuary and Cremation Services (Minimum 10-acre site required)	C	C	C	C	C	C	C	C	C	C	C	C															
Churches <sup>2, 18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	C	◆	◆	◆	◆	◆	◆	◆	◆	
Clubs <sup>18</sup>									◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆					C
Commercial Cannabis Activities <sup>17, 18</sup>																											
Cultivation																									M	M	M
Dispensary																M	M										M
Manufacturing																									M	M	M
Testing																									M	M	M
Microbusiness																	M										M
Distribution Center																M	M								M	M	M
Commercial Radio or Television Stations																											

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUJ (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
With on-site antenna																	◆						◆	◆	◆	◆	
Without on-site antenna																	X						X	X	X	X	
Communications Facilities (See Section 9.09.040 of this title)																											
Computer Sales and Repairs													X	X	X	X	X		X				X	X	X	X	
Contractors Storage Yard																							X				
Convalescent Homes/Assisted Living <sup>18</sup>							C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆						
Convenience Stores																											
With drive-through																X	X										
Without drive-through													X	X	X	X	X										
With alcohol sales													◆	◆	◆	◆	◆										
Convention Hall, Trade Show, Exhibit Building with Incidental Food Services <sup>18</sup>															C		◆		◆		◆			◆	◆		
Copy Shops													X	X	X	X	X	X	X	X			X	X	X	X	
Country Club <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C															
Dancing, Art, Music and Similar Schools <sup>18</sup>													X	X	X	X	X	X	X	X			X	X	X		
Day Care Centers <sup>18, 19</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	C
Delicatessens <sup>18</sup>													X	X	X	X	X	X	X				X	X	X		
Diaper Supply Service																							X				
Laundry with fleet storage <sup>18</sup>																							X				
Disposal company																							X				
Drapery Shops													X	X	X	X	X	X									

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Dressmaking Shops													X	X	X	X	X	X									
Driving School <sup>18</sup>													X	X	X	X	X		X	X				X	X	X	
Drug Stores													X	X	X	X	X	X									
Dry Cleaning or Laundry <sup>18</sup>																											
a. Dry Cleaning													X	X	X	X	X	X	X								X
b. Laundromat													X	X	X	X	X	X	X								
c. Laundry Commercial																						X	X				
Emergency Shelters <sup>14</sup>																	C		C	C	X	C				C	
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack) <sup>18</sup>	C	C	C	C													◆										C
Exterminators																	C						X	X	X	X	
Farm Worker Housing <sup>18</sup>										X	X	X	X														
Feed and Grain Stores																X	X	X									
Fire and Police Stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Floor Covering Stores (may include incidental repairs with installation service)													X	X	X	X	X						X				
Fraternity/Sorority <sup>18</sup>									C	C	C	C	C														
Frozen Food Locker																							X	X			
Gasoline Dispensing - Non-retail accessory to an auto-related use <sup>18</sup>																	X						X	X	X	X	
Glass Shops and Glass Studios—Stained, etc.																X	X						X	X		X	

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Golf Courses or Golf Driving Ranges with Incidental Commercial Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C															◆
Handicapped Housing <sup>18</sup>								X	X	X	X	X	X	X													
Heavy Equipment Sales and Rentals																X							X	X			
Hospitals <sup>18</sup>															◆	◆		◆	◆					C	C	C	
Hotels <sup>18</sup>																											
a. With 20% or less of the units containing kitchens													X	X	X		X		C				X	X	X		
b. With over 20% of the units containing kitchens													C	C	C		C		C				C	C	C		
Ice Cream Stores—Including Yogurt Sales													X	X	X	X	X	X	X						X		
Impound Yards																						X					
Jewelry Stores													X	X	X	X	X	X									
Kennel and Catteries	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		◆	◆	◆	◆	C				
Laboratories (medical and dental) <sup>18</sup>													X	X	X	X	X		X	X		X	X	X	X		
Libraries <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	
Liquor Stores													◆	◆		◆	◆										
Live/Work Unit <sup>12, 18</sup>													X	X	X												
Locksmith Shops													X	X	X	X	X	X				X	X	X	X		
Lodge Halls and Similar Facilities <sup>18</sup>													◆	◆	◆	◆	◆		◆					◆	◆		
Lumberyards																	X					X					
Mail Order House																X						X	X	X	X		
Manufacturing and Assembly <sup>18</sup>																											

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
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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	
<b>Medical Clinics/Medical Care<sup>18</sup></b>																										
Inpatient care													X	X	X	X	X		X	X		X	X	X	X	
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 <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C														
Mobile Home Sales or Rentals (outdoor display)																	C									
Mortuaries																										

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With cremation services																												
No cremation services			C	C	C	C	C	C	C	C	C	C			◆	◆	◆							X	X	X	X	
Museums <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Newspaper and Printing Shops													X	X	X	X	X					X	X	X	X			
Nightclubs <sup>18</sup>														C	C		C											
Nursery, (Plant), Wholesale and Distribution	X	X	X	X																		X	X				X	
Offices (administrative and professional) <sup>18</sup>													X	X	X	X	X	X	X	X			X	X	X			
Open Air Theaters <sup>18</sup>															C						C						C	
Orphanages <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C																
Painting Contractor																						X	X					
Parcel Delivery Terminals <sup>18</sup>																						X	X	X	X			
Parking Lot															C	C	X	X	C					X				
Parks and Recreation Facilities (public) <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Personal Services (e.g., nail salons, spa facilities <sup>15</sup> , barber and beauty shops, and tattoo parlors) <sup>18</sup>													X	X	X	X	X	X	X						X			
Pharmacy <sup>4</sup>													X	X	X	X	X	X	X						X			
Photo Studios													X	X	X	X	X	X	X						X			
Plumbing Shops																X									X			
Plumbing Supply Stores for Contractors																							X	X	X			
Pool Hall <sup>18</sup>														◆		◆	◆											
Postal Services													X	X	X	X	X	X	X			X	X	X	X			
Pottery Sales with Outdoor Sales													X	X	X	X	X	X				X			X			

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Public Administration, Buildings and Civic Centers <sup>18</sup>													X	X	X	X	X	X	X	X	X	X	X	X	X						
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆						X	X	◆	◆	C
Racetracks <sup>18</sup>																	C														
Record Store													X	X	X	X	X	X													
Recording Studio													X	X	X	X	X	X	X	X							X	X	X	X	
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆													
Recycling, Large Collection Facility <sup>5</sup>																	◆										X	X			
Recycling, Small Collection Facility													X	X	X	X	X	X													
Recycling Processing Centers													X	X	X	X	X	X	X	X	X						X	X	X	X	
Refreshment Stands													X	X	X	X	X	X	X	X	X						X	X	X	X	
Rental Service																															
Within an enclosed structure (furniture, office, party supplies)													X	X	X	X	X	X									X	X	X	X	
With outdoor storage and display (vehicles, equipment, etc.)																◆	◆										X	X			
Research and Development <sup>18</sup>													X	X	X				X	X							X	X	X	X	
Residential <sup>18</sup>																															
Single-Family	X	X	X	X	X	X	X	X	X																						
Multiple-Family										X	X	X	X	X	X																
Manufactured home park (see mobile home parks)																															

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Residential Care Facility (for seven or more persons) <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X													
Restaurants (Eating and Drinking Establishments) <sup>18</sup>																												
Without entertainment													X	X	X	X	X	X	X								X	
With Limited Live entertainment													X	X	X	X	X	X	X									
With alcoholic beverage sales													X	X	X	X	X	X	X								X	
With outdoor seating <sup>13</sup>													X	X	X	X	X	X	X								X	
Restaurants (fast-food) <sup>18</sup>																												
With drive-through																◆	◆										◆	
Without drive-through													X	X	X	X	X										X	
Retails Sales													X	X	X	X	X	X										
Support Retail Sales													X	X	X				X								X	
Sandwich Shops <sup>6</sup>													X	X	X	X	X	X	X	X <sup>6</sup>								
Schools, Private	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆		◆	◆						◆	◆	
Senior Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X								
Shoe Shine Stands													X	X	X	X	X		X	X				X	X			
Shoe Repair Shop													X	X	X	X	X	X										
Sign Shop													X	X	X	X	X	X				X	X	X	X			
Single room occupancy (SRO) facility <sup>18</sup>											C	C	C	C		X												
Skating Rinks <sup>18</sup>														X			X											
Smoke Shops <sup>16</sup>																S	S	S	S									
Stationery Stores													X	X	X	X	X	X	X					X	X			
Statue Shop -Outdoor display																	◆					X	X					

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**Strikeout/Underline Code Amendments**

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUJ (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Storage Lots and Mini-Warehouses																											
Indoor																	C						X				
Outdoor																	C						X				
<b>Supportive and Transitional Housing</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X							
Swim Schools/Center with Incidental Commercial Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C					X										
Taxidermist																	X					X	X				
Theaters (excludes open air) <sup>18</sup>													X	X	X	X	X	X									
Tire Recapping																						X					
Trade and Vocational Schools <sup>18</sup>													X	X	X		X		X	X			X	X	X		
Transfer, Moving and Storage Facilities																						X	X				
Truck Wash																						X	X				
Upholstery Shops																	X					X	X		X		
Vehicle Storage Yards																											
Indoor																	X					X	X				
Outdoor																	C					X	X				
Vending Machine Service and Repair																						X	X	X	X		
Veterinarian (including animal hospital) <sup>18</sup>																											
All activities within an enclosed structure													X	X	X	X	X							X	X		
With outdoor activities																	♦							♦	♦		
Weight Reduction Center													X	X	X	X	X	X	X								
Wholesale, Storage, and Distribution <sup>18</sup>																											

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	Residential Zones											Mixed Use Overlay			Commercial & Office Zones						Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
All activities indoors (50,000 square feet or less)																						X	X	X	X	
All activities indoors (more than 50,000 square feet)																						X	X			
All activities outdoors																						X				
Retail sale of goods warehoused on-site <sup>7</sup>																						X	X	X		
Wrecking Yard																						♦				

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

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**Strikeout/Underline Code Amendments**

- (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.

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

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**Strikeout/Underline Code Amendments**

**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, Aircraft and Boat Sales, Leasing, and Incidental Minor Repairs and Accessory Installations	♦	X	♦				
Auto Service Stations a) Accessory uses include convenience store and car wash b) Minor repairs to include auto/boat/motorcycle/RV (excludes major repair, paint, body work)	X	♦	♦	♦			
Automotive, Boat, Motorcycle and RV Repair—Minor (includes brake, muffler and tire installation and repair)	♦		♦				
Automotive Paint and Body Repair—Major Engine Overhaul	♦		♦				

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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)
Auto Rentals	X		X				
Auto Supply Stores			X	X	X	X	X
Bakery Shops		X	X	X	X	X	X
Bakery—Commercial <sup>18</sup>							
Banks—Financial Institutions <sup>18</sup>		X	X	X	X	X	X
Barber and Beauty Colleges <sup>18</sup>		X	X	X	X	X	X
Bars (Drinking Establishments) <sup>18</sup>							
Bars			C	C	C	C	C
Bars, with Limited Live Entertainment			C	C	C	C	C
Boarding and Rooming Houses <sup>18</sup>					X	X	
Bowling Alley <sup>18</sup>			X	X	◆	◆	◆
Building Material Sales (with or without outdoor sales) <sup>18</sup>	◆		◆				
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				
Car Wash	X		X				
Accessory to auto related use							
Catering Service			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)
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			
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	◆	◆	◆	◆	◆	◆	◆

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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)
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							
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>							

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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)
Feed and Grain Stores	X		X				
Fire and Police Stations	X	X	X	X	X	X	X
Floor Covering Stores (may include incidental repairs with installation service)	X	X	X	X	X	X	X
Fraternity/Sorority <sup>18</sup>							
Frozen Food Locker							
Gasoline Dispensing - Non-retail accessory to an auto-related use <sup>18</sup>	X		X	X			
Glass Shops and Glass Studios—Stained, etc	X		X	X			
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses <sup>18</sup>				C			
Handicapped Housing <sup>18</sup>			X	X	X	X	X
Heavy Equipment Sales and Rentals	X						
Hospitals <sup>18</sup>			◆	◆			◆
Hotels <sup>18</sup>							
a. With 20% or less of the units containing kitchens		X	X	X	X	X	X
b. With over 20% of the units containing kitchens		C	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
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

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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)
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 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							

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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				
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

Attachment: Strikeout / Underline Draft (5818 : Spring Omnibus)

**Strikeout/Underline Code Amendments**

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

- 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.

	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)
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices <sup>18</sup>					◆	◆	◆
Racetracks <sup>18</sup>							
Record Store			X	X	X	X	X
Recording Studio	X	X	X	X	X	X	X
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses <sup>18</sup>	◆	◆	◆	◆	◆	◆	◆
Recycling, Large Collection Facility <sup>5</sup>							
Recycling, Small Collection Facility	X		X	X	X	X	X
Recycling Processing Centers							
Refreshment Stands					X	X	X
Rental Service							
Within an enclosed structure (furniture, office, party supplies)	X		X		X	X	X
With outdoor storage and display (vehicles, equipment, etc.)	◆						
Research and Development <sup>18</sup>	X	X	X	X	X	X	X
Residential <sup>18</sup>							
Single-Family				X			
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
With Limited Live entertainment			X	X	X	X	X

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**Strikeout/Underline Code Amendments**

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

	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 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				
Outdoor	C						
<u>Support and Transitional Housing</u>			X	X	X	X	X
Swim Schools/Center with Incidental Commercial Uses <sup>18</sup>			X	C			

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**Strikeout/Underline Code Amendments**

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

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

	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)
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							
Veterinarian (including animal hospital) <sup>18</sup>	X						
All activities within an enclosed structure	X	X	X	X	X	X	X
With outdoor activities			◆				
Weight Reduction Center	X	X	X	X	X	X	X
Wholesale, 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	X						

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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).
- (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.

<u>Zoning District Key</u>			
<del>HR</del>	<del>Hillside Residential District</del>	<del>MU</del>	<del>Mixed Use Overlay District</del>
<del>RR</del>	<del>Rural Residential District</del>	<del>MUN</del>	<del>Mixed Use Neighborhood Overlay District</del>
<del>R1</del>	<del>Residential 1 District (40,000 square foot minimum lot size)</del>	<del>MUC</del>	<del>Mixed Use Community Overlay District</del>
<del>RA2</del>	<del>Residential Agriculture 2 (20,000 square foot minimum lot size)</del>	<del>MUI</del>	<del>Mixed Use Institutional Anchor Overlay District</del>
<del>R2</del>	<del>Residential 2 District (20,000 square foot minimum lot size)</del>	<del>P</del>	<del>Public District</del>
<del>R3</del>	<del>Residential 3 District (10,000 square foot minimum lot size)</del>	<del>I</del>	<del>Industrial District</del>
<del>R5</del>	<del>Residential 5 District (7,200 square foot minimum lot size)</del>	<del>LI</del>	<del>Light Industrial</del>

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**Strikeout/Underline Code Amendments**

<del>RS10</del>	<del>Residential Single-Family 10-District (4,500-square-foot minimum lot size)</del>	<del>BP</del>	<del>Business Park District</del>
<del>R10</del>	<del>Residential 10-District (Up to 10 Dwelling Units per net acre)</del>	<del>BPX</del>	<del>Business Park-Mixed Use District</del>
<del>R15</del>	<del>Residential 15-District (Up to 15 Dwelling Units per net acre)</del>	<del>OS</del>	<del>Open Space District</del>
<del>R20</del>	<del>Residential 20-District (Up to 20 Dwelling Units per net acre)</del>	<del>BF</del>	<del>Business Flex</del>
<del>R30</del>	<del>Residential 30-District (Up to 30 Dwelling Units per net acre)</del>	<del>DC</del>	<del>Downtown Center</del>
<del>NC</del>	<del>Neighborhood Commercial District</del>	<del>COMU</del>	<del>Corridor Mixed-Use</del>
<del>CC</del>	<del>Community Commercial District</del>	<del>H-OC</del>	<del>Highway—Office/Commercial</del>
<del>VG</del>	<del>Village Commercial District</del>		
<del>OC</del>	<del>Office Commercial District</del>		
<del>O</del>	<del>Office District</del>		

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

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## Strikeout/Underline Code Amendments

### 9.02.140 Small and Large Family Day Care Home Standards in Residential Dwelling Units.

- A. Purpose and Intent. The use of a home as a small or large family daycare home shall be considered a residential use of property.~~The purpose of these standards is to ensure that large family day care homes, providing child care in residential districts, do not adversely impact the adjacent neighborhood. While large family day care homes are needed by Moreno Valley residents in close proximity to their homes, potential traffic, noise and safety impacts of this use need to be regulated in the interest of nearby residents and the children in the day care facility. It is also the intent of this section to allow family day care homes in residential surroundings to give children a home environment which is conducive to healthy and safe development.~~
- B. Small and large family day care homes shall be constructed, maintained and operated in the following manner:~~Applicability. Large family day care homes shall be subject to a home occupation permit, the requirements of the underlying district and the following additional standards. In considering an application, the decision of the community development director shall be in compliance with and subject to the limitations set forth in California Health and Safety Code Section 1597.46.~~
1. The facility shall conform to all property development standards and operational standards of the residential land use district in which it is located.
  2. Fences and walls shall be installed and maintained pursuant to Section 9.08.070 (Fences and Walls), applicable to the residential land use district and type of residence in which the family day care home is located.
  3. On-site landscaping shall be installed and maintained pursuant to Chapter 9.17 (Landscape and Water Efficiency Requirements) applicable to the residential land use district and type of residence in which the family day care home is located.
  4. The facility shall contain a fire extinguisher, smoke detector and carbon monoxide devices as required by state law, and meet all state standards and codes, and comply with any other standards adopted by the City of Moreno Valley for residential uses in the same zone.
  5. All family day care homes shall be state licensed and shall be operated according to all applicable State of California Health and Safety Code, as well as all state licensing requirements as set forth by state law (1597.46).
- C. A Small and Large Family Day Care shall be reviewed ministerial by the City to ensure conformance with the standards identified herein.~~Definition. A "large family day care home" means a day care facility providing care for seven to fourteen (14) children (including children residing in the home), in the provider's residence.~~
- D. Conditions of Approval.
1. Applicant shall comply with the California Health and Safety Code, which includes a fire inspection, as well as all state licensing requirements as set forth by state law (1597.46);
  2. Applicant shall provide proof of state license to the community development department within sixty (60) days of this approval;

## Strikeout/Underline Code Amendments

3. ~~Person(s) operating the day care business must also live in the home. Additional care givers, required under the State of California Health and Safety Code, need not live in the home; and~~
4. ~~The day care shall be incidental to the use of the dwelling as a residence.~~

## Strikeout/Underline Code Amendments

### 9.02.320 Reasonable accommodation procedures.

- A. Purpose and Intent. It is the purpose of this section to provide reasonable accommodations in the city's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.
- B. Definitions. The following terms as used in this section shall, unless the context clearly indicates otherwise, have the following meanings:
- “Applicant” means a person, business, or organization making a written request to the city for reasonable accommodation in the strict application of the city's zoning and land use laws, rules, policies, practices and/or procedures.
- ~~“Disabled person” or “p~~Person with a disability” means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment. Such an impairment shall not include an individual's current, illegal use of a controlled substance.
- “Fair Housing Laws” means the “Federal Fair Housing Act” (42 U.S.C. Section 3601, et seq.), the Americans with Disabilities Act, and the “California Fair Employment and Housing Act” (California Government Code Section 12900, et seq.), as these statutes now exist or may be amended from time to time, and each Act's implementing regulations.
- ~~“Reasonable accommodation” in the land use and zoning context, reasonable accommodation means providing individuals with disabilities or developers of housing for people with disabilities with flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to provision of housing or service opportunities.~~means any deviation requested and/or granted from the strict application of the city's zoning and land use laws, rules, policies, practices and/or procedures.
- C. Authority of the Planning Official. The planning official is hereby designated to approve, conditionally approve, or deny, without public hearing, all applications for a reasonable accommodation.
- D. Procedure for Application Review.
1. Applicant. A request for a reasonable accommodation may be made by any person with a disability, his or her representative, or a developer or provider of housing for individuals with a disability.
  2. Application. An application for a reasonable accommodation shall be made on a form provided by the planning department. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits. If an individual needs assistance in making the request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible.
  3. Other Discretionary Permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, the applicant may file the request for reasonable accommodation together with the application for the other discretionary

## Strikeout/Underline Code Amendments

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

## Strikeout/Underline Code Amendments

- a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;
  - b. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;
  - c. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;
  - d. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
3. ~~In determining whether the requested reasonable accommodation would require a fundamental alteration in the nature of the city's municipal code, the city may consider, but is not limited to, the following factors:~~
- ~~a. Whether the requested accommodation would fundamentally alter the character of the neighborhood;~~
  - ~~b. Whether the accommodation would result in a substantial increase in traffic or insufficient parking;~~
  - ~~c. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan;~~
  - ~~d. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.~~
4. ~~Rules While Decision is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.~~
- F. Notice of Decision.
1. The planning director shall issue a written determination to approve, conditionally approve, or deny a request for a reasonable accommodation. The planning director may elect to forward the matter to the planning commission for consideration of the application.
  2. Appeals of the director's action shall be made in accordance with Section 9.02.240.
- G. Expiration, Time Extension, Violation, Discontinuance, and Revocation.
1. Expiration. Any reasonable accommodation approved in accordance with the terms of this section shall expire within twenty-four (24) months from the effective date of the approval, or at an alternative time specified as a condition of the approval, unless:
    - a. A building permit has been issued and construction has commenced;
    - b. A certificate of occupancy has been issued;
    - c. The use is established; or

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



## Strikeout/Underline Code Amendments

### 9.09.300 SB9 Two-Unit Residential Developments.

- A. Purpose and Intent. The purpose of this section is to regulate qualifying SB 9 two-unit residential developments and urban lot splits within single-family residential zones in accordance with California Government Code Sections 65852.21 and 66411.7.
- B. Applicability. The standards and limitations set forth in this section shall apply to urban lot splits and the development and use of SB 9 two-unit residential developments within a single-family residential zone in the City, notwithstanding any other conflicting provisions of this code. In the event of a conflict between the provisions of this section and any other provision of this code, the provisions of this section shall prevail.
- C. Permit Application and Review Procedures. An application for an SB 9 two-unit residential development or an urban lot split shall be submitted on a form prescribed by the City, along with all information and materials prescribed by such form. The Community Development Director will review the application for consistency with state law, consider and approve or disapprove a complete application for an SB 9 two-unit residential development or an urban lot split ministerially, without discretionary review or public hearing.
1. Nonconforming Conditions. An SB 9 two-unit residential development may only be approved if all nonconforming zoning conditions are corrected. The correction of legal nonconforming zoning conditions is not a condition for ministerial approval of a parcel map for an urban lot split.
  2. Effectiveness of Approval. The ministerial approval of an SB 9 two-unit residential development or a parcel map for an urban lot split does not take effect until the city has confirmed that all required documents have been recorded.
  3. Hold Harmless. Approval of an SB 9 two-unit residential development or a parcel map for an urban lot split shall be conditioned on the applicant agreeing to defend, indemnify and hold harmless the city, its officers, agents, employees and/or consultants from all claims and damages (including attorney's fees) related to the approval and its subject matter.
  4. Specific and/or Adverse Impacts. Notwithstanding anything else in this section, the Community Development Director may deny an application for an SB 9 two-unit residential development or a parcel map for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- D. Qualifying Requirements. A proposed urban lot split or SB 9 two-unit residential development must meet all of the following requirements in order to qualify for ministerial review pursuant to the provisions of this section. It shall be the responsibility of the applicant to demonstrate to the reasonable satisfaction of the Community Development Director that each of these requirements is satisfied. The

## Strikeout/Underline Code Amendments

- applicant and each owner of the property shall provide a sworn statement, attesting to all facts necessary to establish that each requirement is met.
1. The subject property shall be located within a single-family residential zone.
  2. The proposed development shall not be located on any site identified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of California Government Code Section 65913.4, unless the development satisfies the requirements specified therein. Such sites include, but are not limited to, prime farmland, wetlands, high or very high fire hazard severity zones, special flood hazard areas, regulatory floodways, and lands identified for conservation or habitat preservation.
  3. The proposed development shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the California Public Resources Code.
  4. The proposed development shall not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  5. The proposed development shall not require the demolition or alteration of housing that is subject to any form of rent or price control.
  6. The proposed development shall not require the demolition or alteration of housing that has been occupied by a tenant within the last three (3) years.
  7. If any existing or previously demolished housing unit on the lot has been occupied by a tenant in the last three (3) years, the proposed development shall not involve the demolition of more than 25 percent of the existing exterior structural walls of any housing unit on the lot.
  8. The subject property shall be owned solely by one or more individual property owners.
  9. In the case of an urban lot split, the lot proposed to be subdivided shall not have been established through a prior urban lot split.
  11. In the case of an urban lot split, the lot proposed to be subdivided ("subject lot") is not adjacent to any lot that was established through an urban lot split by the owner of the subject lot or by any person acting in concert with the owner of the subject lot.
  12. No unpermitted construction or illegal nonconforming zoning conditions shall exist on the property.
  13. All units shall have a dedicated address.
- E. Permitted Locations. A lot on which an urban lot split or SB 9 two-unit residential development is proposed must be located within a single-family residential zone. A lot located within a multiple-family or mixed-use zone shall not be eligible to be subdivided through an urban lot split or developed with an SB 9 two-unit residential development pursuant to this section.
- F. Number of Dwelling Units Permitted on a Lot.
1. Notwithstanding any other provisions of this code, state law requires the city to permit a lot located within a single-family residential zone to contain two primary dwelling units, provided both units are developed and maintained in compliance with the standards and requirements set forth in this section.

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2. Provided the lot is not subdivided or created through an urban lot split, development of two primary dwelling units on a lot through an SB 9 two-unit residential development in conformance with this section does not preclude the development or maintenance of one or more ADUs and/or JADUs on the lot to the extent permitted by Section 9.09.130 and state law.
  3. No more than two (2) dwelling units of any kind may be constructed or maintained on a lot that results from an urban lot split. For purposes of this subdivision, the two-unit limitation applies to any combination of primary dwelling units, ADUs, and JADUs.
- G. Separate Conveyance.
1. Primary dwelling units located on the same lot may not be owned or conveyed separately from one another. All fee interest in a lot and all dwellings must be held equally and undivided by all individual owners of the lot.
  2. Separate conveyance of the two lots resulting from an urban lot split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, or if the two lots share a driveway, appropriate covenants, easements or similar documentation allocating legal and financial rights and responsibilities between the owners of the two lots ("CC&Rs") for construction, reconstruction, use, maintenance, and improvement of the attached structures and any related shared drive aisles, parking areas, or other portions of the lot must be recorded before the city will approve a final parcel map for the urban lot split. Notwithstanding the provision of such CC&Rs, however, where attached structures and/or related shared facilities span a lot line resulting from an urban lot split, all owners of both lots shall be jointly and severally responsible for the use and maintenance of such structures and/or shared facilities in compliance with all provisions of this Code.
  3. Condominium airspace divisions and common interest developments are not permitted on a lot created through an urban lot split or containing an SB 9 two-unit residential development.
- H. Residential Use Only. No non-residential use is permitted on any lot created through an urban lot split or containing an SB 9 two-unit residential development.
- I. No Short-Term Rentals Permitted. The rental of any dwelling unit on a lot created through an urban lot split or containing an SB 9 two-unit residential development shall be for a term longer than 30 consecutive days.
- J. Housing Crisis Act Replacement Housing Obligations. If the proposed development will result in the demolition of protected housing, as defined in California Government Code Section 66300, the applicant shall replace each demolished protected unit and comply with all applicable requirements imposed pursuant to subsection (d) of Government Code Section 66300.

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- K. Standards and Requirements. A qualifying SB 9 two-unit residential development and any development on a lot created through an urban lot split shall be subject to the standards and criteria set forth in this section.
1. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
  2. Except for those circumstances described above in K.1, the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the single-family residential zone.
  3. Except for those circumstances described above in D. Qualifying Requirements, the demolition or alteration of a structure is allowed for developments proposed under this Section.
  4. The applicant shall provide easements for the provision of public services and facilities as required.
  5. Off-street parking shall be limited to one space per unit, except that no parking requirements shall be imposed if the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3.
  6. Any residential accessory structure proposed in conjunction with or following the development of, a two-unit residential development shall meet the requirements of Section 9.08.030 (Accessory structures) of Chapter 9.08 (General Development Standards).
  7. All setback areas, and all areas not designated for walkways, parking, drive aisles, and private open space, shall be fully landscaped and irrigated. Each development shall comply with the landscaping and irrigation requirements contained in Section 9.17.070 (Single-family residential development) of Chapter 9.17 (Landscape and Water Efficiency Requirements).
  8. If there is an existing primary dwelling that was legally established on the lot prior to the filing of a complete application for a two-unit development or an urban lot split, any new additional primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch.
  9. If two new primary dwelling units are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch.
  10. All developments shall provide each unit with the appropriate number of containers for recyclables, organics, and non- recyclable solid waste (“trash containers”).
- L. Additional Requirements for Urban Lot Splits.
1. An urban lot split must conform to all applicable objective requirements of the Subdivision Map Act, including implementing requirements in this code, except as otherwise provided in this section. Notwithstanding the foregoing, no dedication of rights-of-way or construction of offsite improvements is required solely for an urban lot split.
  2. Lot Size. The parcel map for an urban lot split must subdivide an existing lot to create no more than two new lots of approximately equal lot area,

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provided that one lot shall not be smaller than 40 percent of the lot area of the original lot proposed for subdivision. Both newly created lots must each be no smaller than 1,200 square feet.

### M. Easements.

1. The owner must enter into an easement agreement with each utility/public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
2. Each easement must be shown on the tentative parcel map and the final parcel map.
3. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final parcel map may be approved.

### N. Improvements required. Each resulting lot must be developed in accordance with improvement plans processed concurrently with the parcel map application and approved by the city, showing the location and dimensions of all structures, drive aisles, parking areas, pedestrian pathways, and other improvements proposed to be constructed or to remain on each lot.

Approval of a parcel map for an urban lot split shall be subject to the City's approval of such related improvement plans and all related entitlements or other approvals required by this code. Any proposed development on one of the lots that is inconsistent with or not shown on the improvement plans approved concurrently with the urban lot split shall be subject to review and approval by the city in accordance with the applicable requirements of this code.

### O. Deed restrictions. Prior to approval of a parcel map for an urban lot split and/or the issuance of a building permit for the development of an SB 9 two-unit residential development, the owner(s) of record of the property shall provide a copy of a covenant agreement, declaration of restrictions, or similar deed restriction ("deed restriction") recorded against the property in a form acceptable to the City, and that does each of the following:

1. Expressly requires the rental of any dwelling unit on the property be for a term longer than 30 consecutive days.
2. Expressly prohibits any non-residential use of the lot.
3. Expressly prohibits primary dwelling units located on the same lot from being owned or conveyed separately from one another.
4. Expressly requires all fee interest in each lot and all dwellings to be held equally and undivided by all individual owners of the lot.
5. Expressly prohibits condominium airspace divisions and common interest developments on the property.
6. States that the property was formed and/or developed pursuant to the provisions of this section and is therefore subject to the city regulations set forth in this section, including all applicable limits on dwelling size and development.
7. Expressly prohibits more than two (2) dwelling units of any kind from being constructed or maintained on a lot that results from an urban lot split.
8. States the following:

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- a. That the deed restriction is for the benefit of and is enforceable by the city;
  - b. That the deed restriction shall run with the land and shall bind future owners, their heirs, and successors and assigns;
  - c. That lack of compliance with the deed restriction shall be good cause for legal action against the owner(s) of the property;
  - d. that, if the city is required to bring legal action to enforce the deed restriction, then the city shall be entitled to its attorneys' fees and court costs; and
  - e. that the deed restriction may not be modified or terminated without the prior written consent of the City.
- P. Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.  
"Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)" shall have the meanings ascribed to these terms in Section 9.09.130.  
"Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title.  
"Individual property owner" does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).  
"New primary dwelling unit" means either a new, additional dwelling unit that is created or an existing dwelling unit that is expanded, but does not include an ADU or a JADU.  
"Single-family residential zone" shall have the same meaning as in California Government Code Section 65852.21. A single-family residential zone includes all Single-Family Residential zoning district and any property within a planned unit development district or a specific plan area where a single-family dwelling is a permitted use, but a duplex, triplex, or multiple-family dwelling is not a permitted or conditionally permitted use.  
"SB9 two-unit residential development" shall mean a housing development containing no more than two primary residential units within a single-family residential zone that qualifies for ministerial review pursuant to California Government Code Section 65852.21 and this section. A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing primary unit.  
"Urban lot split" shall have the same meaning as stated in California Government Code Section 66411.7.
- Q. Interpretation. The provisions of this section shall be interpreted to be consistent with the provisions of California Government Code Sections 65852.21 and 66411.7 and shall be applied in a manner consistent with state law. The city shall not apply any requirement or development standard provided for in this section to the extent prohibited by any provision of state law.

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### 9.09.310 Supportive and Transitional Housing.

- A. Use and Zoning. Supportive and transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. This includes residential zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development satisfies all of the requirements of Government Code Section 65651.
- B. Definitions. For the purposes of this section, certain words or phrases used in this section are defined as follows:
1. "Supportive housing" means a facility that provides housing with no limit on length of stay, that is occupied by the target population as defined by Section 50675.14 of the California Health and Safety Code, and that is linked to on-site or off-site services that assist tenants in retaining housing, improving their health status, maximizing their ability to live and, when possible, work in the community.
  2. "Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months (Health and Safety Code Section 50675.2(h)).
  3. "Target population" means adults with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services under the Lanterman Developmental Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code, commencing with Section 4500) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people (Health and Safety Code Section 50675.14(3)(A)).

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### ~~9.13.040 Map designation.~~

~~Areas within an approved specific plan shall be designated on the official zoning map as follows:~~

~~In all cases, the “SP” symbol shall be followed by a number to designate the specific plan (e.g., SP-1: Specific Plan No. 1). All development shall be subject to provisions of the designated specific plan, associated documents and the regulations of this chapter.~~



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### **9.13.080 Adoption/amendment procedure.**

A specific plan shall be adopted, amended and repealed by resolution ~~ordinance~~ and may be amended as often as deemed necessary by the legislative body.

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### 9.14.240 Parcel Maps for Urban Lot Splits

- A. Purpose and Intent. The purpose of this section provides the provisions to the processing of parcel maps for urban lot splits pursuant to California Government Code section 66411.7 and Section 9.09.300 (SB 9 Two-Unit Residential Developments) of the Moreno Valley Municipal Code.
- B. Applicability. Notwithstanding the Subdivision Map Act or any other provision of this section, an application for a parcel map for an urban lot split is approved or denied ministerially, by the City's Community Development Director without discretionary review. A tentative parcel map for an urban lot split is approved ministerially if it complies with the requirements of Section 9.09.300 (SB 9 Two-Unit Residential Developments) and applicable objective requirements of Chapter 9.14 (Land Divisions) and the Subdivision Map Act. The tentative parcel map may not be recorded. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements.
- C. Guidance and Procedures. The City Engineer has the authority to interpret and establish guidance and procedures for the processing, approving, and finalizing parcel maps for urban lot splits, which are consistent with state and local law.

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### **9.16.150 Commercial (retail, office, mixed use).**

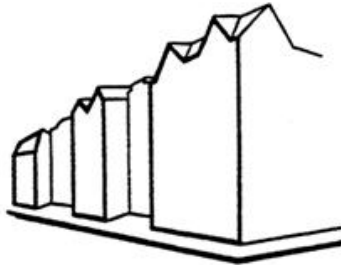
- A. Commercial design guidelines address the various types and intensities of commercial uses allowed for in the general plan. They include neighborhood commercial, community commercial, tourist recreational commercial, village commercial, office commercial and office.
1. Neighborhood Commercial: provides for the daily shopping needs of area residents with a wide range of common retail and personal service needs.
  2. Community Commercial: more intense than neighborhood commercial, provides for the general shopping needs of area residents and workers with a wide variety of retail and personal services.
  3. Tourist Recreational Commercial: provides those commercial support activities that are necessary or incidental to recreation uses while meeting the personal service needs of both tourists and city residents alike.
  4. Village Commercial: provides for office-related and commercial development within the Moreno townsite. It is the further intent of this designation to promote development which recognizes the historic significance of the site and projects a “turn-of-the-century” architectural atmosphere, yet provides limited retail commercial services that are compatible with the surrounding residential community.
- B. General Guidelines.
1. Commercial development shall be compatible with adjacent residential areas by incorporating landscape buffers planted with a mix of flowering, screening and spreading plants, by using low mass, low height building elements, by locating loading and trash collection areas away from residential property lines and by directing circulation away from residential neighborhoods.
  2. Commercial development shall have a central place, main focal feature or point of-emphasis, including pedestrian seating, shade structures, sculpture, water elements, centralized outdoor dining or any combination of these elements.
  3. New development should respect pedestrian needs by incorporating pedestrian ways and plazas that provide visual interest at the street level, shelter from the elements and adequate street furniture. This guideline is intended to enhance pedestrian related features in concert with quality architecture that would not require variance approval if incorporated as a feature of design.
  4. The development of new, small convenience centers on sites less than eight acres is discouraged.
  5. Architectural elements shall be an integral part of the façade design, avoiding the “pasted-on” look.
  6. Building façades should relate to overhangs, awnings, trellises and porticoes, incorporating these elements into building massing.
  7. Pedestrian covered walks should have a clear walking width of seven feet along retail storefronts. Walkway width may be up to twelve (12) feet to accommodate columns, furniture or building articulation.

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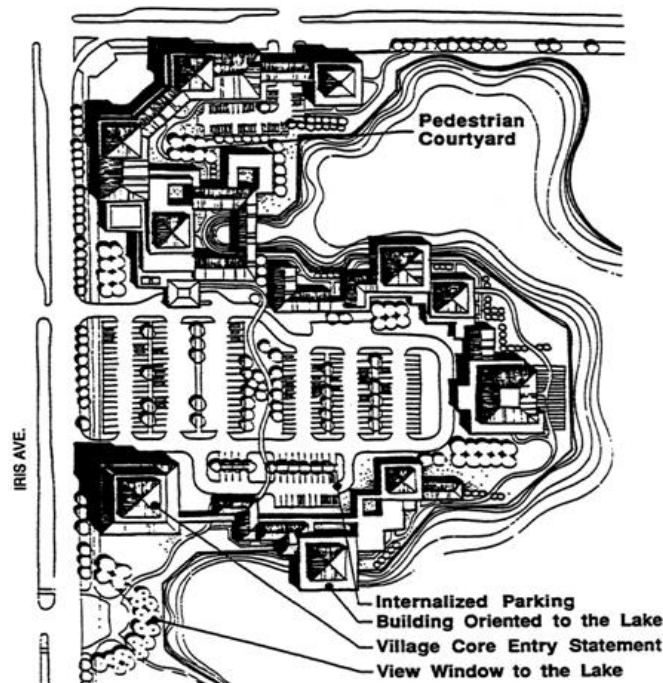
8. Large structures shall incorporate varied setbacks and variations in massing of building bulk.
9. Continuous, blank building elevations shall be avoided, particularly when visible from public rights-of-way.
10. Continuous building mass should be divided into smaller units, providing both variety and scale.
11. Loading areas shall be oriented away from street side elevations whenever possible and shall be screened from public view with a combination of walls and landscaping.
12. Building placement within office developments shall occur at or near the street setback line to bring the architectural image to the street and to remove parking lots to the extent possible from the streetscape.
13. Vehicular and pedestrian travel shall be separated to the best possible extent, providing for a safe pedestrian environment and smooth traffic flow.
14. Pedestrian walkways shall be provided in larger parking lots, encouraging foot travel out of vehicular drive lanes.
15. Freestanding or clustered retail, restaurant and office pads are encouraged, helping to add variety to the site plan and to introduce interesting architectural elements.
16. Interparcel access shall be provided between commercial centers, reducing the number of drive approaches from the street and encouraging commercial "crossover."
17. Entry drive throats shall be at least sixty (60) feet long from property line for major commercial projects, providing adequate queuing for outbound traffic and smoothing inbound traffic flow.
18. Each commercial center of five acres or more shall have at least one major entry containing a median.
19. The "strip" commercial image is discouraged. New development should provide variety and articulation in storefront footprints, elevations and roofline.
20. There shall be landscaped strip equal to the building height where a commercial use is located adjacent to residentially zoned property.
21. Office developments shall provide courtyards for each building convenient to office users, incorporating seating, sculpture, accent landscaping and shelter. These shelters will allow for small lunch gatherings or relaxation.
22. Office developments shall have decentralized parking. Parking shall be oriented to the building it is intended to serve and shall be spread throughout the site, lessening the impact of an expansive parking lot.
23. Office developments shall offer interesting site plans by providing several detached or clustered buildings.
24. Access to service bays of automotive uses shall be from the interior of the site.
25. Service stations, mini markets and other automobile-related uses shall have architectural details consistent with the overall project design. Access to service bays will be from the interior of the service station site. Window placement should be sensitive to casual police surveillance.

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26. Hotels ~~over~~ 4 stories and over shall include rooftop amenities (e.g., restaurant, bar, swimming pool or other amenities as accepted by the Community Development Director).
27. Freestanding buildings should incorporate distinctive massing, adding interest to the site and vicinity.
28. Intimate scale in building design and materials selection is encouraged, emphasizing comfort and warmth.
29. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and drain into a landscape area for water quality, retention and absorption to reduce water run-off.
30. Architectural design of new projects shall be mindful of the surrounding district's urban fabric, providing a design statement to enhance the context and to upgrade the overall image. 86 Continuous Mass Divided to Provide Scale



**Continuous Mass Divided to Provide Scale**



**Commercial Center with Separated Pedestrian and Auto Circulation**