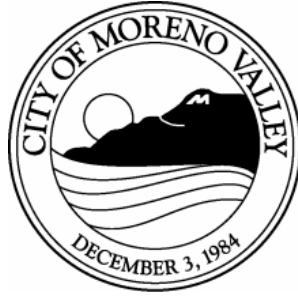

PLANNING COMMISSIONERS

ALVIN DEJOHNETTE
Chairperson

MATTHEW CHEN
Vice Chairperson

JEFFREY SIMS
Commissioner



OMAR COBIAN
Commissioner

JOANN STEPHAN
Commissioner

RAY BAKER
Commissioner

VACANT
Commissioner

PLANNING COMMISSION

Special Meeting

Agenda

Thursday, November 17, 2022 at 6:00 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

NON-PUBLIC HEARING ITEMS

No items for discussion.

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.

PUBLIC HEARING ITEMS

1. Case: PEN22-0103 - Conditional Use Permit
Applicant: Nabeel Qandah
Property Owner: Athanasios Zounatiotis
Representative: Nabeel Qandah
Project Location: 13121 Perris Boulevard Unit D
Case Planner: Julia Descoteaux, Senior Planner
Council District: 3
Proposed Project: Conditional Use Permit for a smoke shop within an existing tenant space in the Zono's Plaza. The Proposed Project is in the Sunnymead Village Specific Plan 204 Community Commercial Zoning District (SP204-CC)/Corridor Mixed Use (COMU) District.
CEQA: Categorically Exempt: Class 1 Exemption (Section 15301, Existing Facilities)

2. Case: PEN21-0203 - General Plan Amendment
PEN21-0204 - Change of Zone
PEN22-0162 - Conditional Use Permit
PEN21-0199 - Tentative Tract Map
Applicant: D.R. Horton Los Angeles Holding Company, Inc.
Property Owner: Discovery Christian Church, Moreno Valley
Representative: Megan Kay Whieldon, D.R. Horton Los Angeles Holding Company, Inc.
Project Location: Northeast corner of Oliver Street and Brodiaea Avenue (APN: 486-240-010)
Case Planner: Kirt Coury, Contract Planner
Council District: 3
Proposed Project: 1) General Plan Amendment to change the land use designation from Residential 5 (R5) to Residential 10 (R10) with a density of 10 dwelling units per acre; 2) Change of Zone to change the existing zoning designation from Residential 5 (R5) District to Residential Single-Family 10 District (RS10) District, 3) Conditional Use Permit for a Single-Family Residential Planned Unit Development; and 4) Tentative Tract Map 38237 to subdivide 8.77 acres of vacant unimproved land into 67 single-family lots.
CEQA: Adopt Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

3. Case: PEN22-0232 - Municipal Code Amendments
 Applicant: City of Moreno Valley
 Case Planner: Sean P. Kelleher, Planning Official
 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 Chapters 9.02 Permits and Approvals, 9.03 Residential Districts, 9.07 Special Districts, 9.08 General Development Standards, 9.09 Specific Use Development Standards, 9.11 Parking, Pedestrian and Loading Requirements, and 9.14 Land Divisions.
- CEQA: The proposed amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

OTHER COMMISSION BUSINESS

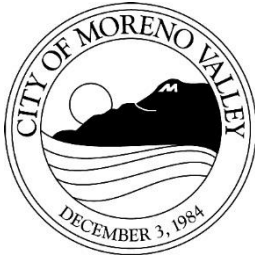
No items for discussion.

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Planning Commission Regular Meeting Thursday, December 8th, 2022 at 6:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: November 17, 2022

PEN22-0103 CONDITIONAL USE PERMIT CAPTAIN SMOKE SHOP

Case: Conditional Use Permit (PEN22-0103)

Applicant: Nabeel Qandah

Property Owner: Athanasios Zounatiotis

Representative: Nabeel Qandah

Project Location: 13121 Perris Boulevard Unit D

Case Planner: Julia Descoteaux, Senior Planner

Council District: 3

Proposed Project: Conditional Use Permit for a smoke shop within an existing tenant space in the Zono's Plaza. The Proposed Project is in the Sunnymead Village Specific Plan 204 Community Commercial Zoning District (SP204-CC)/Corridor Mixed Use (COMU) District.

CEQA: Categorically Exempt: Class 1 Exemption (Section 15301, Existing Facilities)

SUMMARY

The applicant ("Applicant"), Nabeel Qandah has submitted a Conditional Use Permit for the Captain Smoke Shop located at 13121 Perris Boulevard in Unit 105, in an existing retail shopping center. The business is relocating from a suite within the same shopping center.

PROJECT DESCRIPTION

Proposed Project

The proposed smoke shop will include the sale of tobacco products and other nicotine vaping products. In addition, small retail items including hats, lanyards, and other related items will be sold. No cannabis products will be sold.

Site/Surrounding Area

The Project Site is located within the small existing shopping center on the west side of Perris Boulevard north of Atwood Avenue within the Sunnymead Village Specific Plan 204 Community Commercial Zoning District (SP204-CC)/Corridor Mixed Use (COMU) District. Properties to the north of the Project Site include existing commercial businesses within the Sunnymead Village Specific Plan 204 Community Commercial Zoning District (SP204-CC)/Corridor Mixed Use (COMU) District. Properties to the south, east, and west of the Project Site are developed with single-family residences within the Sunnymead Village Specific Plan 204 Community Commercial Zoning District (SP204-CC)/Corridor Mixed Use (COMU) District, Corridor Mixed Use (COMU) District, and Specific Plan 204 Village Residential (SP204-VR) District.

Access/Parking

Access to the Project Site is from existing driveways on Perris Boulevard and Atwood Avenue. The shopping center is developed with a 9,152 square foot building (westerly building), a 4,400 square foot building (easterly building), and fifty-one parking spaces. The tenant space that the Applicant will be occupying was previously occupied by a commercial tenant; therefore, existing parking is appropriate to serve the Project Site. Additionally, it should be noted that this center and the commercial building to the north have a reciprocal parking and access agreement.

Design/Landscaping

The Proposed Project will not involve any expansion of the existing building size. As conditioned, the Proposed Project is required to ensure the parking lot landscaping and lighting are maintained.

REVIEW PROCESS

The smoke shop store is compatible with the existing and planned land uses in the vicinity with the approval of a Conditional Use Permit. The Proposed Project meets the Municipal Code distance requirements for various uses, which include schools, churches, and other smoke shops. The Conditional Use Permit for the use allows for review and potential revocation in the event of operations contrary to the approved conditions of approval and/or causing a public nuisance.

ENVIRONMENTAL

Staff recommends that the Planning Commission find that the proposed project is exempt from the provisions of 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 the permitting of existing private structures, with minor interior 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.

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. 2022-52, and thereby:

1. **DETERMINE** that Conditional Use Permit (PEN22-0103) is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) a Class 1 Exemption (Section 15301, Existing Facilities); and
2. **APPROVE** Conditional Use Permit PEN22-0103 subject to the attached Conditions of Approval included as Exhibit A.

Prepared by:
Julia Descoteaux
Associate 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. 2022-52 - Conditional Use Permit
2. Project Plans
3. Zoning Map

RESOLUTION NUMBER 2022-52

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (PEN22-0103) FOR CAPTAIN SMOKE SHOP LOCATED AT 13121 PERRIS BOULEVARD (APN: 482-050-038)

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

WHEREAS, Nabeel Qandah (“Applicant”) has submitted an application for the approval of a Conditional Use Permit PEN22-0103 (“CUP”) for Captain Smoke Shop (“Proposed Project”), located in the Zono’s Plaza, 13121 Perris Boulevard Unit 105, at the northwest corner of Perris Boulevard and Atwood Avenue (APN: 482-050-038) (“Project Site”); and

WHEREAS, the Zono’s Plaza is an approved, commercial center development and the Proposed Project is consistent with the retail uses of the center; and

WHEREAS, Section 9.09.280 (Smoke Shops) provides standards for a smoke shop to be allowed within Moreno Valley, 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 are 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 Proposed Project, and the potential impact of the Proposed Project on the surrounding area based on fixed and established standards; and

WHEREAS, the CUP 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 November 17, 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 November 17, 2022, the public hearing to consider the CUP 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 PEN22-0103 (again, the “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 Guidelines¹ 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 limited 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, in the staff report and conditions of approval (collectively, “Conditions”); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest

¹ 14 California Code of Regulations §§15000-15387

these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Section 3. Evidence

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

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Specific Plan 204 and 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 PEN22-0103 and all documents, records, and references contained therein;
- (d) Conditions of Approval for Conditional Use Permit PEN22-0103 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 Specific Plan 204, 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 PEN22-0103) subject to the Conditions of Approval for Conditional use Permit PEN22-0103, 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 17th day of November, 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. 2022-52 - Conditional Use Permit [Revision 2] (5992 : PEN22-0103 Conditional Use Permit Captain Smoke Shop)

Exhibit A
CONDITIONS OF APPROVAL

Attachment: Resolution No. 2022-52 - Conditional Use Permit [Revision 2] (5992 : PEN22-0103 Conditional Use Permit Captain Smoke Shop)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-0103)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Conditional Use Permit (PEN22-0103)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.
2. 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

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-0103)

Page 2

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

5. All parking lot, parking lot lighting and landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, debris and disrepair.
6. This project is located within 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. 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)

Special Conditions

8. The site has been approved for Conditional Use Permit PEN22-0103 for a smoke shop within an existing tenant space at 13121 Perris Boulevard, Unit 105. No Cannabis products will be sold. A change or modification shall require separate approval. For a Conditional Use Permit, a violation may result in revocation of the Conditional Use Permit.
9. The owner or owner's representative shall establish and maintain a relationship with the City of Moreno Valley and cooperate with the Problem Oriented Policing (POP) program, or its successors.

Building Division

10. 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.
11. Contact the Building Safety Division for Certificate of Occupancy permit application submittal requirements.
12. All alterations, additions, modification of 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

CONDITIONS OF APPROVAL

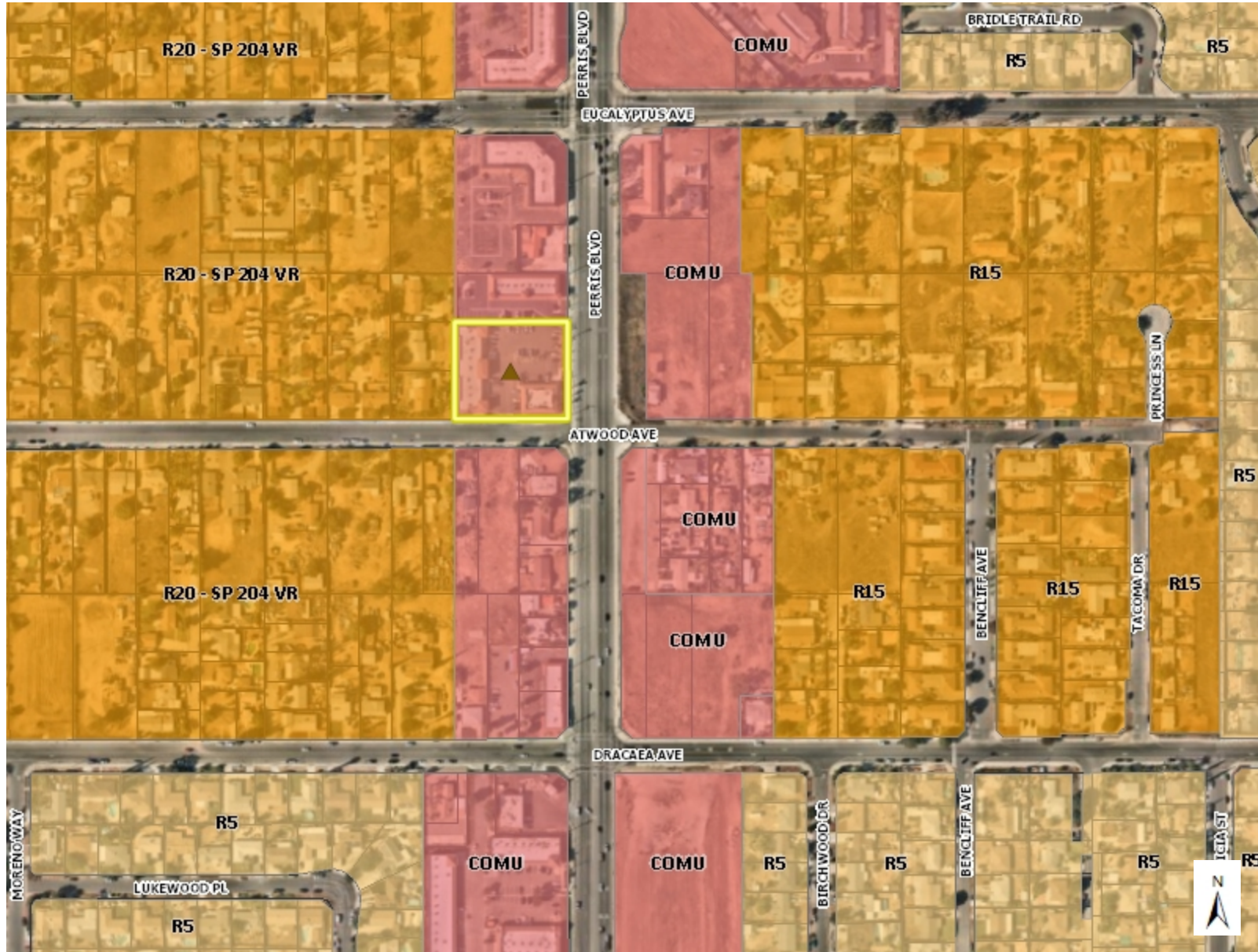
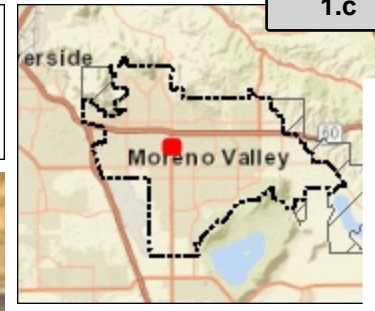
Conditional Use Permit (PEN22-0103)

Page 3

FIRE DEPARTMENT**Fire Prevention Bureau**

13. 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.
14. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
15. 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)

Zoning



Legend

- ▲ Smoke Shops
- 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

Image Source: Nearmap

Notes:

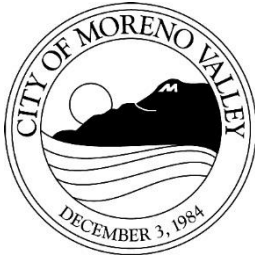
631.0 0 315.48 631.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

Print Date: 11/2/2022

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 (5992 : PEN22-0103 Conditional Use Permit Captain Smoke Shop)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: November 17, 2022

GENERAL PLAN AMENDMENT, CHANGE OF ZONE, CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT, AND A TENTATIVE TRACT MAP 38237 TO SUBDIVIDE AN 8.77-ACRE PROJECT SITE IN TO 67 SINGLE-FAMILY LOTS

Case: PEN21-0203 - General Plan Amendment
 PEN21-0204 - Change of Zone
 PEN22-0162 - Conditional Use Permit
 PEN21-0199 - Tentative Tract Map

Applicant: D.R. Horton Los Angeles Holding Company, Inc.

Property Owner: Discovery Christian Church, Moreno Valley

Representative: Megan Kay Whieldon, D.R. Horton Los Angeles Holding Company, Inc.

Project Location: Northeast corner of Oliver Street and Brodiaea Avenue (APN: 486-240-010)

Case Planner: Kirt Coury, Contract Planner

Council District: 3

Proposed Project: 1) General Plan Amendment to change the land use designation from Residential 5 (R5) to Residential 10 (R10) with a density of 10 dwelling units per acre; 2) Change of Zone to change the existing zoning designation from Residential 5 (R5) District to Residential Single-Family 10 District (RS10) District, 3) Conditional Use Permit for a Single-Family Residential Planned Unit Development; and 4) Tentative Tract Map 38237 to subdivide 8.77 acres of vacant unimproved land into 67 single-family lots.

CEQA: Adopt Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

SUMMARY

D.R. Horton (“Applicant”) submitted applications for a General Plan Amendment (GPA), Change of Zone (CZ), Conditional Use Permit (CUP), and a Tentative Tract Map (TTM) to facilitate a 67-lot single-family residential Planned Unit Development (PUD) on an 8.77-acre project site. The purpose of the PUD is to establish flexible standards to encourage innovation in housing types and provide amenities not generally found in suburban subdivisions, such as common open spaces and recreational areas. The GPA, along with the CZ, will allow for the change of the current land use designation from Residential 5 to (R5) to Residential 10 (R10) and the zoning designation from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District, which allows for a maximum density of 10 dwelling units per acre. The GPA, CZ, CUP, and TTM together constitute the (“Proposed Project”).

PROJECT DESCRIPTION

The Proposed Project consists of a General Plan Amendment to change the existing land use designation to Residential 10 (R10) with a Change of Zone to change the zoning designation to Residential Single-Family 10 (RS10) District, as well as a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) and a Tentative Tract Map (TTM) for an 8.77-acre vacant parcel to be subdivided into 67 single-family residential lots on the northeast corner of Oliver Street and Brodiaea Avenue.

General Plan Amendment

A General Plan Amendment (GPA) application was submitted to change the land use designation of the project site from Residential 5 (R5) to Residential 10 (R10). The R10 land use designation is intended to provide for a variety of residential products and to encourage innovation in housing types with amenities not generally found in suburban subdivisions, such as common open spaces and recreational areas. The R10 land use designation allows for a maximum density of 10.0 dwelling units per acre.

Change of Zone

A Change of Zone (CZ) application was submitted to rezone the Project Site from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District. Under the Proposed Project’s current Residential (R5) District, a maximum of 5.0 units per gross acre is allowed, but as proposed the Proposed Project would allow for 7.6 units per gross acre. To obtain the desired units per gross acre a CZ is required to rezone the Project Site to Residential Single-Family 10 (RS10) District, which allows up to 10.0 units per gross acre, thereby allowing the proposed 7.6 units. The Residential Single-Family 10 (RS10) zoning district is intended to provide residential development on small single-family lots with amenities not generally found in suburban subdivisions and allows a maximum density of 10 units per acre.

Conditional Use Permit for a Planned Unit Development

The Proposed Project includes a Conditional Use Permit (CUP) for a Planned Unit Development (PUD), which allows for the proposed development to establish unique criteria for such things as setbacks, lot width and depth, building separation, and lot size. Flexible development standards are allowed in exchange for a higher level of detail and amenities within the Proposed Project than typically are required for standard residential development. As proposed, the Proposed Project is consistent with the standards of Moreno Valley Municipal Code (MVMC) Section 9.03.060, which outlines PUDs.

The proposed PUD provides guidelines for various architectural styles for the home sites that meet or exceed City-wide design standards in the Municipal Code. All development within the tract must meet the standards stated in the PUD, including plotting, setbacks, open space areas, and architecture. Additionally, the PUD provides design guidelines for public park amenities and includes design features for community entrances and other common-area improvements.

The development will introduce a new community with different housing product types. The Proposed Project proposes production homes identified as the “3,600 series” for DR Horton’s continuing “Bella Serra” community. As proposed, the “3,600 series” is intended to be lots that are approximately 3,600 sq. ft. or larger. The 67 home sites of the “Bella Serra” community will have homes ranging in size from 1,575 to 2,384 square feet. All homes are two-story construction with attached two-car garages. The “Bella Serra” community will have three different floor plans and three different elevation types, as required by the Municipal Code.

Tentative Tract Map

The proposed Tentative Tract Map (TTM) 38237 has been designed consistent with the PUD standards and will subdivide an 8.77-acre site into 67 single-family residential lots. As proposed the Tentative Tract Map would also create interior private streets and record the dedication of a 0.56-acre park site. Several “lettered lots” are included for common-area lots, along with two (2) water-quality basins, and guest parking areas, which will be maintained by the Homeowners Association (HOA). The Proposed Project complies with the City’s development standards for a TTM.

Site/Surrounding Area

The Project Site is approximately 8.77-acres located on the northeast corner of Oliver Street and Brodiaea Avenue. Surrounding land uses to the north and east of the Proposed Project include the Discovery Christian Church and a single-family residential tract currently under construction within the Residential 5 (R5) District. To the west of the Project Site is vacant land within the Downtown Center (DC) District that was recently approved with a single-family residential tract map (Tract 38236) of similar density to this proposal. To the south of the Project Site is existing single-family residences within the Residential Agriculture 2 (RA2) District and the Residential 5 (R5) District.

Access/Parking

The Proposed Project's access will be provided from Oliver Street and Brodiaea Avenue. Tract 38237 is proposed as a non-gated private community. The perimeter streets, Oliver Street and Brodiaea Avenue will remain public streets.

All internal streets are to be private at a minimum width of 26 feet and will be maintained by the newly established HOA. As such, there will be no street parking allowed within the community. However, the development will provide several designated "guest parking" areas that are generally dispersed throughout the subdivision. These guest parking spaces include a combination of designated 90-degree parking stalls as well as parallel parking stalls. As proposed there will be 25 guest parking stalls within the "Bella Serra" community.

Each of the residential lots will have a two-car garage with a driveway that can accommodate two additional vehicles in front of the garage door.

Design/Landscaping

The PUD guidelines for the "3,600 series" of the Bella Serra community will offer three elevation styles: Traditional, Spanish, and Craftsman. Each building style will have three color combinations to provide interest among the housing types.

The PUD includes typical plot plan configurations for the new homes and typical front yard landscaping. The HOA will maintain all front yard landscaping in an effort to maintain a consistent well-maintained appearance of the streetscapes within the community. A conceptual landscape plan in the PUD document shows the typical street trees along all public streets, landscaping for all entry features, shade trees around the park site, and common area landscaping lots.

The Proposed Project also includes a 0.56-acre park that will primarily serve the local neighborhood, including adjoining developed residential areas, which is intended to be dedicated to the City. Proposed park improvement amenities include a turf playfield with a meandering multipurpose trail, which will connect to the adjacent DR Horton developed (referred to as Tract 38236). Tract 38236 provides a public park area that includes a turf playfield, a large shade structure with picnic tables and BBQ grills, walkways with park benches, shade trees, and bench seating near the tot lot area. It is the applicant's intent that the residents of the Proposed Project will have full access/use of the park located in the adjacent Tract 38236.

REVIEW PROCESS

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

ENVIRONMENTAL

An Initial Study was prepared by EPD Solutions Inc. in compliance with the California Environmental Quality Act (CEQA) and its guidelines. The Initial Study examined the potential impacts of the Proposed Project on the environment. The Initial Study/Mitigated Negative Declaration (IS/MND) serves as the appropriate CEQA documentation for the Proposed Project. With the implementation of the proposed mitigation measures, the Proposed Project will not have a significant effect on the environment. Technical studies prepared in support of the IS/MND include the following: Air Quality, Energy, and Greenhouse Gas Emissions Impact Analysis, General Biological Assessment Report, Phase I Cultural Resources Survey, Geotechnical and Infiltration Evaluation, Paleontological Assessment, Phase I and Limited Phase II Environmental Site Assessment, Project Specific Water Quality Management Plan, Hydrology Report, Noise Impact Analysis, VMT Analysis, and the Tree Survey and Arborist Report. Copies of the appendices to the IS/MND can be accessed from the link attached to this staff report. The documents can be reviewed at City Hall during operating hours.

Mitigation measures are recommended for the Proposed Project in the following areas: Biological Resources, Cultural/Tribal, and Paleontological Resources, all of which are incorporated into the Mitigation Monitoring and Report Program (MMRP). The measures for cultural resources have been included to address input from the Tribal governments. The measures are intended to ensure that potential resources that might be discovered are protected. However, these measures are not required to address a known significant impact. Based on the Initial Study and the proposed mitigation measures, the Proposed Project will not cause any significant impacts to the environment.

The public comment period for the Notice of Availability of the Initial Study/Mitigated Negative Declaration began on October 14, 2022, and ended on November 14, 2022, (State Clearing House Number 2022100263) which satisfies the required 30-day review period required for this project. As of the preparation of this staff report, no comments have been received. Should comments regarding the Proposed Project be received prior to the Planning Commission they will be provided at the public hearing.

NOTIFICATION

Consistent with the City 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. As of the preparation of this staff report, one public comment has been received regarding the proposed project.

REVIEW AGENCY COMMENTS

Staff has coordinated with outside agencies where applicable, as is the standard review process for these development applications.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- A. That the Planning Commission **ADOPT** Resolution No. 2022-48, and thereby **RECOMMEND** the City Council:
1. **ADOPT** the Initial Study/Mitigated Negative Declaration prepared for General Plan Amendment (PEN21-0203), Change of Zone (PEN21-0204), Conditional Use Permit (PEN22-0162) for a Planned Unit Development, and Tentative Tract Map 38237 (PEN21-0199), 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 and City 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
 2. **ADOPT** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of a General Plan Amendment (PEN21-0203), Change of Zone (PEN21-0204), Conditional Use Permit (PEN22-0162) for a Planned Unit Development, and Tentative Tract Map 38237 (PEN21-0199) pursuant to CEQA and its guidelines.
- B. That the Planning Commission **ADOPT** Resolution No. 2022-49, and thereby **RECOMMEND** the City Council:
1. **APPROVE** General Plan Amendment (PEN21-0203) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-49 and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment.
- C. That the Planning Commission **ADOPT** Resolution No. 2022-50 and thereby **RECOMMEND** the City Council:
1. **APPROVE** Change of Zone (PEN21-0204) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-50 and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the Change of Zone.
- D. That the Planning Commission **ADOPT** Resolution No. 2022-51, and thereby **RECOMMEND** the City Council:
1. **APPROVE** Conditional Use Permit (PEN22-0162) and Tentative Tract Map (PEN21-0199) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-51.

Prepared by:

Approved by:

Mindy Davis
Principal Planner

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. 2022-48 - IS/MND
2. Exhibit A - Final Initial Study/Mitigated Negative Declaration
3. Appendix A - Air Quality, Energy, Greenhouse Gas Emissions Impact Analysis
4. Appendix B - General Biological Resources Assessment Report
5. Appendix C - Phase I Cultural Resources Survey
6. Appendix D - Geotechnical and Infiltration Evaluation
7. Appendix E - Paleontological Assessment
8. Appendix F - Phase I and Limited Phase II Environmental Site Assessment
9. Appendix G - Project Specific Water Quality Management Plan
10. Appendix H - Hydrology Report
11. Appendix I - Noise Impact Analysis
12. Appendix J - VMT Analysis
13. Appendix K - Tree Survey and Arborist Report
14. Exhibit B - Notice of Intent to Adopt a Mitigated Negative Declaration
15. Exhibit C - Mitigation Monitoring and Reporting Program
16. Resolution No. 2022-50 - General Plan Amendment
17. Resolution No. 2022-49 - Change of Zone
18. Resolution No. 2022-51 - Conditional Use Permit / Tentative Tract Map
19. Project Plans
20. Planned Unit Development Document

RESOLUTION NUMBER 2022-48

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN FOR THE DR HORTON TENTATIVE TRACT MAP NO. 38237 LOCATED AT THE NORTHEAST CORNER OF OLIVER STREET AND BRODIAEA AVENUE (APN 486-240-010)

WHEREAS, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California, and the lead agency for the preparation and consideration of environmental documents for projects that are subject to requirements of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines²; and

WHEREAS, DR Horton Los Angeles Holding Company Inc., (“Applicant ”) has submitted applications for 1) a General Plan Amendment (PEN21-0203) (GPA) amending Map LCC-4: General Plan Land Use of the Moreno Valley General Plan to change the land use designation of the Project Site from Residential 5 (R5) to Residential 10 (R10); 2) a Change of Zone (PEN21-0204) amending the City of Moreno Valley Zoning Atlas to rezone the project from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District; 3) a Conditional Use Permit (PEN22-0162) for a Planned Unit Development with associated amenities and public improvements, and 4) a Tentative Tract Map (PEN21-0199) to subdivide a vacant 8.77-acre parcel into 67 single-family lots (“Proposed Project”) located on the northeast corner of Oliver Street and Brodiaea Avenue (APN 486-240-010) (“Project Site”); and

WHEREAS, Planning Division Staff completed an Initial Study (environmental assessment) (“IS”) for the Proposed Project and based on the environmental assessment, recommends adoption of a Mitigated Negative Declaration (“MND”) and a Mitigation Monitoring and Reporting Program (“MMRP”) in accordance with Section 6 (ND Procedures) of the City’s Rules and Procedures for the Implementation of the California Environmental Quality Act and the requirements of the CEQA Guidelines Sections 15070 – 15075; and

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was duly noticed and circulated for public review for a period of 30 days commencing on October 14, 2022, through November 14, 2022; and

WHEREAS, in compliance with CEQA, a MMRP, which is a program for monitoring and reporting on the Proposed Project’s mitigation measures, was prepared for the Proposed Project and circulated with the Mitigated Negative Declaration; and

WHEREAS, on November 17, 2022, a duly noticed public hearing was conducted by the Planning Commission to consider a recommendation to the City Council that the IS/MND and the MMRP and approval of the Proposed Project, at which time the Planning

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

Commission considered the IS/MND and MMRP, together with any comments received during the public review process and the responses prepared; and

WHEREAS, at the conclusion of the public hearing, in the exercise of its own independent judgment, the Planning Commission determined that the MND and the MMRP prepared the Proposed Project has reduced the potential impacts to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will have a significant effect on the environment in a manner that otherwise would require the preparation and certification of an Environmental Impact Report.

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 the MND and MMRP, including, but not limited to, the following:

- (a) Initial Study/Mitigated Negative Declaration prepared for the Proposed Project, attached hereto as Exhibit A;
- (b) Notice of Intent to Adopt a Mitigated Negative Declaration, attached hereto as Exhibit B;
- (c) Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C;
- (d) 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
- (e) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the public hearing.

Section 3. 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) That all environmental impacts of the Proposed Project, with the mitigation measures set forth in the MMRP, have been reduced to levels of insignificance and there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment that would otherwise require the preparation and certification of an Environmental Impact Report;

- (b) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been completed in compliance with CEQA and CEQA Guidelines and are consistent the City's Rules and Procedures for the Implementation of the California Environmental Quality Act;
- (c) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program represent the independent judgment and analysis of the Planning Commission and City as lead agency for the Proposed Project; and
- (d) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are adequate to serve as the required CEQA environmental documentation for the proposed Project.

Section 4. Adoption

That based on the foregoing Recitals, Administrative Record and Findings, the Planning Commission hereby recommends that the City Council hereby adopts the IS/MND attached hereto as Exhibits A and C.

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 17th day of November, 2022.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette,
Chairperson

ATTEST:

Sean Kelleher,
Planning Official

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibits:

- Exhibit A: Final Initial Study/Negative Declaration
- Exhibit B: Notice of Intent to Adopt a Mitigated Negative Declaration
- Exhibit C: Mitigation Monitoring and Reporting Program

Attachment: Resolution No. 2022-48 - IS/MND [Revision 1] (6003 : Dr Horton Tract 38237)

Exhibit B

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Attachment: Exhibit B - Notice of Intent to Adopt a Mitigated Negative Declaration (6003 : Dr Horton Tract 38237)

**CITY OF MORENO VALLEY
NOTICE OF INTENT
MITIGATED NEGATIVE DECLARATION**

NOTICE IS HEREBY GIVEN that the City of Moreno Valley is considering a recommendation that the project herein identified will have no significant environmental impact in compliance with Section 15070 of the CEQA guidelines. A copy of the **MITIGATED NEGATIVE DECLARATION** and the **ENVIRONMENTAL CHECKLIST**, which supports the proposed findings, are on file at the City of Moreno Valley.

Project: General Plan Amendment (PEN21-0203), Change of Zone (PEN21-0204), Tentative Tract Map No. 38237 (PEN21-0199), Conditional Use Permit to allow a Planned Unit Development (PEN22-0162)

Applicant: Megan Kay Whieldon, D.R. Horton Los Angeles Holding Company, Inc.

Owner: Discovery Christian Church, Moreno Valley

Location: Northeast corner of Oliver Street and Brodiaea Avenue (APNs: 486-240-010)

Proposal: The Applicant proposes to develop an 8.77-acre site with a 67-lot single-family residential project. Applications include a General Plan Amendment to change the existing land use designation to Residential 10 (R10) with a Zone Change to change the Zoning designation from Residential 5 (R5) District to the Residential Single-Family 10 (RS10) District, a Conditional Use Permit for a Planned Unit Development for 67 single-family lots, including park areas, common parking, and a Tentative Tract Map to subdivide the parcel.

Council District: 3

This Notice of Intent (NOI) has been prepared to notify agencies and interested parties that the City of Moreno Valley, as the Lead Agency, has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the requirements of the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with construction and operation of the project as described below.

Project Description: The Applicant proposes to develop an 8.77-acre site with a 67-lot single-family residential project. Applications include a General Plan Amendment to change the existing land use designation to Residential 10 (R10) with a Zone Change to change the Zoning designation from Residential 5 (R5) District to the Residential Single-Family 10 (RS10) District, a Conditional Use Permit for a Planned Unit Development for 67 single-family lots, including park areas, common parking, and a Tentative Tract Map to subdivide the parcel.

The Project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Document Availability: The Initial Study/Mitigated Negative Declaration, and all documents incorporated and/or referenced therein, can be reviewed during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and Friday, 7:30 a.m. to 4:30 p.m.) at the City of Moreno Valley Planning Division counter, located at 14177 Frederick Street, Moreno Valley, CA 92553. The documents may also be reviewed on the City's website at <http://www.moreno-valley.ca.us/cdd/documents/about-projects.html>.

Potential Environmental Impacts: The City of Moreno Valley has prepared an Initial Study to determine the environmental effects associated with the above actions and finds the issuance of a Mitigated Negative Declaration is the appropriate level of environmental review. The Initial Study/Mitigated Negative Declaration concludes that all potentially significant impacts of the Project would be mitigated to a less than significant level.

Comment Deadline: Pursuant to Section 15105(b) of the CEQA Guidelines, the City has established a 30-day public review period for the Initial Study/Mitigated Negative Declaration, which begins October 14, 2022, and ends November 14, 2022. Written comments on the Initial Study/Mitigated Negative Declaration must be received at the City of Moreno Valley Community Development Department by no later than the conclusion of the 30-day review period, 5:30 p.m. on November 14, 2022. Written comments on the Initial Study/Mitigated Negative Declaration should be addressed to:

Kirt Coury, Contract Planner
14177 Frederick Street

Post Office Box 88005
Moreno Valley, California 92552
Phone: (951) 413-3206
Email: kirtc@moval.org

Press-Enterprise

October 14, 2022

Sean Kelleher
Planning Official/Planning Division Manager
Community Development Department

Newspaper

Date of Publication

Attachment: Exhibit B - Notice of Intent to Adopt a Mitigated Negative Declaration (6003 : Dr Horton Tract 38237)

Exhibit C

MITIGATION MONITORING AND REPORTING PLAN

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Mitigated Negative Declaration has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented. The City of Moreno Valley is the Lead Agency for the project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Project. The table identifies mitigation measures required by the City to mitigate or avoid significant impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies, and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

This page intentionally left blank.

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
BIOLOGICAL RESOURCES			
<p>MM BIO-1: Nesting Bird Survey. Prior to ground disturbances and construction activities, including vegetation removal, the Project Applicant shall ensure that impacts to nesting bird species at the Project site are avoided through the implementation of pre-construction surveys, ongoing monitoring, and if necessary, establishment of minimization measures. The Project Application shall adhere to the following:</p> <ol style="list-style-type: none"> 1. Applicant shall designate a biologist (Designated Biologist) experienced in : identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures. 2. A pre-activity field survey shall be conducted by the Designated Biologist prior to the issuance of grading permits for, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. Surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not 	<p>Submittal of pre-activity field survey results report. Prior to construction.</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.</p> <p>3. If active nests are found during nesting bird surveys, the Designated Biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The Designated Biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in such Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such Project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The onsite Designated Biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found.</p>			

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>MM BIO-2: State Drainages. A 1602 Streambed Alteration Agreement shall be obtained from the CDFW for the proposed impacts to 0.346 acres of CDFW jurisdiction.</p> <p>The proposed 0.29 acres of impacts to waters of the State would require waste discharge requirements (WDR) under Port-Cologne from the Santa Ana RWQCB.</p> <p>A MSHCP DBESP shall be prepared for impacts to 0.346 acre of riverine resources. In addition, the Project shall purchase offsite mitigation at a 2:1 ratio by purchasing 0.692 acres of re-establishment credits at River Park Mitigation Bank to accommodate the impacts to the 0.15 acres from an agency-approved mitigation bank.</p>	<p>Obtain 1602 Streambed Alteration Agreement and WDR. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>MM BIO-3: Waters of the United States. A USACE Nationwide Permit 29 and RWQCB Section 401 Water Quality Certification under the Clean Water Act shall be obtained for the proposed impacts to 0.29 acre of ephemeral stream considered Waters of the U.S.</p>	<p>Obtain Permit 29. Prior to Grading Permit.</p>		
<p>MM BIO-4: Tree Replacement. Trees within the Project site will be surveyed by a qualified arborist prior to construction. Trees removed as part of the Project will be replaced per Chapter 9.17, Landscape and Water Efficiency Requirements, of the City’s Municipal Code, which states that projects necessitating the removal of existing trees with four-inch or greater trunk diameters (calipers), shall be replaced at a three to one ratio, with minimum twenty-four (24) inch box size trees of the same species, or a minimum thirty-six (36) inch box for a one to one replacement, where approved.</p>	<p>Submittal of arborist report. Prior to Grading Permit.</p>		

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
CULTURAL RESOURCES			
<p>MM CUL-1: Archaeological Monitoring and Cultural Resources Monitoring Plan (CRMP) An archaeological monitoring program prepared for the Project shall stipulate that a qualified archaeologist shall conduct monitoring during the grading of the first three to five feet of the property. Prior to the granting of a grading permit for the Project, the archaeologist shall prepare a CRMP for review and concurrence by the City. The CRMP should stipulate the local locations and depths for archaeological monitoring, the procedures and protocols for discoveries, and the treatment of any artifacts recovered. Should cultural resources be discovered during earthwork, the CRMP will stipulate that the archaeologist shall have the authority to detour grading away from the discovery until an evaluation can be made.</p> <p>Should the discovery be determined to be significant, the CRMP shall include specific additional mitigation measures, such as data recovery, to mitigate adverse impacts to the discovered resource to a less than significant impact. All cultural resource discoveries will require that the site be registered at the EIC and that the City of Moreno Valley be immediately notified of the discovery and any additional mitigation measures.</p>	<p>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to Grading Permit and during subsurface excavation.</p>	<p>City of Moreno Valley Community Development Department</p>	
PALEONTOLOGICAL			
<p>MM PAL-1: Paleontological Monitoring. Prior to the issuance of a grading plan, a paleontologist shall prepare a Paleontological Resource Impact Mitigation Plan (PRIMP) for submittal and review by the City. Implementation of the PRIMP will ensure that adverse impacts to potentially significant paleontological resources are mitigated to a level less than significant. The PRIMP should follow the outline below:</p>	<p>Submittal of a Paleontological Resource Impact Mitigation Plan. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<ol style="list-style-type: none"> 1. Monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor. The PRIMP shall stipulate that monitoring will be conducted either full or part time at the determination of the paleontologist, based upon the identification of undisturbed sediments of Pleistocene very old alluvial fan deposits ("Qvofa"). Monitoring of Holocene young sandy alluvial fan deposits ("Qyfa") is not recommended; however, these deposits are likely relatively thin and overlie Pleistocene very old alluvial fan deposits. Therefore, monitoring in areas mapped as young sandy alluvial fan deposits may commence when those deposits are graded away and the very old alluvial fan deposits become exposed. The Project paleontologist is responsible to periodically visit the property during the initial stages of grading to identify the Pleistocene deposits and direct the initiation of monitoring. 2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. The monitor shall notify the Project paleontologist, who will then notify the concerned parties of the discovery. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. 3. Fossils shall be collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes shall be taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place. On mass grading projects, discovered fossil sites shall be protected by flagging to prevent them from being over-run by earthmovers (scrapers) before salvage begins. Fossils shall be collected in a similar 			

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>manner, with notes and photographs being taken before removing the fossils. Precise location of the site shall be determined with the use of handheld GPS units. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor’s construction equipment may be solicited to help remove the jacket to a safe location.</p> <p>4. Isolated fossils shall be collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon buckets. Notes shall be taken on the map location and stratigraphy of the site, which shall be photographed before it shall be vacated and the fossils are removed to a safe place.</p> <p>5. Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments. If present, as many as 20 to 40 five-gallon buckets of sediment can be collected and returned to a separate facility to wet-screen the sediment.</p> <p>6. In accordance with the “Microfossil Salvage” section of the Society of Vertebrate Paleontology guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) must be performed if the deposits are identified to possess indications of producing fossil “microvertebrates” to test the feasibility of the deposit to yield fossil bones and teeth.</p> <p>7. In the laboratory, individual fossils are cleaned of extraneous matrix, any breaks are repaired, and the specimen, if needed, is stabilized by soaking</p>			

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>in an archivally approved acrylic hardener (e.g., a solution of acetone and Paraloid B-72).</p> <p>8. Recovered specimens are prepared to a point of identification and permanent preservation (not display), including screen-washing sediments to recover small invertebrates and vertebrates. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.</p> <p>9. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (e.g., the Western Science Center) shall be conducted. The paleontological program should include a written repository agreement prior to the initiation of mitigation activities. Prior to curation, the lead agency (e.g., the City of Moreno Valley) will be consulted on the repository/museum to receive the fossil material.</p> <p>10. A final report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.</p> <p>11. Decisions regarding the intensity of the PRIMP will be made by the Project paleontologist based on the significance of the paleontological resources and their biostratigraphic, biochronologic, paleoecologic, taphonomic, and taxonomic attributes, not upon the ability of a Project proponent to fund the PRIMP.</p>			

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
TRIBAL			
<p>MM TCR-1: Archaeological Monitoring. Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist, who meets the U.S. Secretary of the Interior Standards, to conduct monitoring of all mass grading and trenching activities.</p> <p>The Project Archaeologist, in consultation with the Consulting Tribe(s) including Rincon Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP as defined in TCR-3. The Project archeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.</p>	<p>Submit a CRMP prepared by Professional Archaeologist in consultation with Tribe. Prior to Grading Permit.</p>	<p>Qualified Professional Archeologist/ City of Moreno Valley Community Development Department</p>	
<p>MM TCR-2: Native American Monitoring. Prior to the issuance of a grading permit, the Developer shall secure agreements with the Rincon Band of Luiseño Indians for tribal monitoring. The City is also required to provide a minimum of 30 days’ advance notice to the tribes of all mass grading and trenching activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.</p>	<p>Secure Tribal Monitoring Agreements. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>MM TCR-3: Cultural Resource Disposition. In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <p>a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department:</p> <p>i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources.</p> <p>ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to MM CR-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in CR-1. The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.</p>	<p>Treatment of human remains and/or associated funerary objects. Upon unanticipated discovery of human and/or funerary remains.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>MM TCR-4: Cultural Resource Monitoring Plan (CRMP). The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has</p>	<p>Submit a CRMP prepared by Professional Archaeologist in consultation with Tribe. Prior to Grading Permit.</p>	<p>Qualified Professional Archeologist/ City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:</p> <ul style="list-style-type: none"> a) Project description and location; b) Project grading and development scheduling; c) Roles and responsibilities of individuals on the Project; d) The pre-grading meeting and Cultural Resources Worker Sensitivity Training details; e) The protocols and stipulations that the contractor, City, Consulting Tribe(s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. f) The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items. g) Contact information of relevant individuals for the Project. 			
<p>MM TCR 5: Grading Plan. The City shall verify that the following note is included on the Grading Plan:</p> <p>"If any suspected archaeological resources are discovered during ground – disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find."</p>	<p>Verify note is included in Grading Plan. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>MM TCR 6: Inadvertent Finds. If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities</p>	<p>Cease all ground disturbing activity within 100 feet of the</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Community Development Department for consideration and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in MM TCR-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p>	<p>uncovered resource and contact qualified persons, consulting Tribes, and site monitors. In the case of an inadvertent historic or cultural find.</p>		
<p>MM TCR 7: Human Remains. If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant". The "most likely descendant" shall then make recommendations and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).</p>	<p>Cease all ground disturbing activity and contact NAHC within 24 Hours per PRC 5097.98 if remains are potentially Native American. In the case of an inadvertent</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
	discovery of human remains.		
<p>MM TCR 8: Non-Disclosure of Reburial Locations. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).</p>	<p>Reburial locations shall not be publicly disclosed. Pre- and post-project.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>MM TCR 9: Archeology Report - Phase III and IV. Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).</p>	<p>Submittal of two (2) copies of the Phase III and IV Data Recovery Reports (if required). Prior to Final Inspection.</p>	<p>Developer/Archaeologist/ City of Moreno Valley Community Development Department</p>	
<p>MM TCR 10: Tribe Notification. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted regarding any precontact and/or historic-era finds and be provided information after the</p>	<p>Contact San Manuel Band of Mission Indians Cultural Resources</p>	<p>City of Moreno Valley Community Development Department</p>	

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. In the event of any precontact and/or historic-era finds, SMBMI shall be included as a consulting tribe under TCR-1 through TCR-9.	Department (SMBMI). In the event of any precontact and/or historic-era finds.		

PPP	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AIR QUALITY			
<p>PPP AQ-1: Rule 403. All applicable measures included in Rule 403, shall be incorporated into Project plans and specifications as implementation of Rule 403, which include but are not limited to (1):</p> <ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day. 	Compliance with Rule 403. Construction.	City of Moreno Valley Community Development Department	
<p>PPP AQ-2 Rule 1108. All asphalt used during construction and operation shall comply with Rules 1108 and 1108.1:</p> <ul style="list-style-type: none"> • VOC contents of asphalt shall be limited and regulated during construction and any on-going maintenance. 	Compliance with Rule 1108. Construction.	City of Moreno Valley Community Development Department	
<p>PPP AQ-2: Rule 1113. The following measures shall be incorporated into Project plans and specifications as implementation of SCAQMD Rule 1113 (2):</p> <ul style="list-style-type: none"> • Only “Low-Volatile Organic Compounds (VOC)” paints (no more than 50 gram/liter of VOC) consistent with SCAQMD Rule 1113 shall be used. 	Compliance with Rule 1113. Construction.	City of Moreno Valley Community Development Department	
CULTURAL RESOURCES			

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

<p>PPP CUL-1: Should human remains be discovered during Project construction, the Project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of notification by the NAHC.</p>	<p>Cease all ground disturbing activity and contact NAHC within 24 Hours per PRC 5097.98 if remains are potentially Native American. In the case of an inadvertent discovery of human remains.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>GEOLOGY</p>			
<p>PPP GEO-1: California Building Code. The Project is required to comply with the California Building Code as included in the City’s Municipal Code Chapter 8.20 to preclude significant adverse effects associated with seismic hazards. California Building Code related and geologist and/or civil engineer specifications for the Project are required to be incorporated into grading plans and specifications as a condition of Project approval.</p>	<p>Comply with California Building Cod. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>WATER QUALITY</p>			
<p>PPP WQ-1: SWPPP. Prior to grading permit issuance, the Project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a QSD (Qualified SWPPP Developer) pursuant to the Municipal Code Section 8.21.170. The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to comply with the National Pollutant Discharge Elimination System (NPDES) requirements to limit the potential of polluted runoff during construction activities. Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the</p>	<p>Review and approval of SWPPP. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

construction site by City of Moreno Valley staff or its designee to confirm compliance.			
UTILITIES			
PPP E-1: CalGreen Compliance.	Comply with CalGreen standards. Prior to Final Inspection.	City of Moreno Valley Community Development Department	
PPP UT-1: AB 341. Implementation of the Project shall comply with AB 341 that would divert a minimum of 75 percent of operational solid waste from landfill facilities.	Comply with AB 341. During Project operation.	Developer/City of Moreno Valley Community Development Department	
PPP UT-2: Implementation of the Project shall comply with the City's Municipal Code Chapter 8.80, Recycling and Diversion of Construction and Demolition Waste, which requires that developments must divert at least 50 percent of waste generated from demolition and construction and submit a waste management plan.	Comply with Municipal Code Chapter 8.80. During Project construction.	Developer/City of Moreno Valley Community Development Department	

Attachment: Exhibit C - Mitigation Monitoring and Reporting Program (6003 : Dr Horton Tract 38237)

RESOLUTION NUMBER 2022-50

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT (PEN21-0203) TO AMEND THE GENERAL PLAN LAND USE MAP, CHANGING THE LAND USE DESIGNATION FROM RESIDENTIAL 5 (R5) TO RESIDENTIAL 10 (R10) FOR THE PROPERTY LOCATED ON THE NORTHEAST CORNER OF OLIVER STREET AND BRODIAEA AVENUE (APN 486-240-010)

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

WHEREAS, D.R. Horton Los Angeles Holding Company, Inc., (“Applicant”) has submitted an application for the approval of General Plan Amendment (PEN21-0203) (“Proposed Project”) requesting an amendment to the Moreno Valley General Plan from Residential 5 (R5) to Residential 10 (R10) for the real property located on the northeast corner of Oliver Street and Brodiaea Avenue (APN 486-240-010) (“Project Site”); and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Moreno Valley Municipal Code and Government Code section 65905, a public hearing was scheduled for November 17, 2022, and notice thereof was duly published and posted, and mailed to all property owners of record within 600 feet of the Site; and

WHEREAS, on November 17, 2022, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

WHEREAS, on November 17, 2022, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the Planning Commission considered and recommended that the City Council approve Resolution 2022-48.

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

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

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

Section 3. Evidence

That the Planning Commission has considered all of the evidence submitted into the administrative record for the General Plan Amendment, 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 relevant provisions referenced therein;
- (c) The Moreno Valley General Plan amendment changing the land use designation from Residential 5 (R5) to Residential 10 (R10) and all relevant provisions contained therein as shown on Exhibit A;
- (d) Application for the approval of a General Plan Amendment (PEN21-0203) and all documents, records, and references contained therein;
- (e) Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing;
- (f) Testimony and/or comments from Applicant and its representatives during the public hearing; and
- (g) Testimony and/or comments from all persons that were provided in written format or correspondence, at, or prior to, the public hearing.

Section 4. Findings

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

- (a) The proposed General Plan Amendment and Change of Zone are consistent with the existing goals, objectives, policies, and programs of the General Plan; and
- (b) The proposed General Plan Amendment and Change of Zone will not adversely affect the public health, safety, or general welfare.

Section 5. Approval

That based on the foregoing Recitals, Administrative Record and Findings, as set forth herein, the Planning Commission hereby recommends that the City Council approve General Plan Amendment (PEN21-0203) attached hereto as Exhibit A.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

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

Section 8. Effective Date

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

Section 9. Certification

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

PASSED AND ADOPTED THIS 17th day of November, 2022.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohette, Chairperson

ATTEST:

Sean P. Kelleher, Planning Official

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Exhibits:
Exhibit A General Plan Land Use Designation

Attachment: Resolution No. 2022-50 - General Plan Amendment [Revision 1] (6003 : Dr Horton Tract 38237)

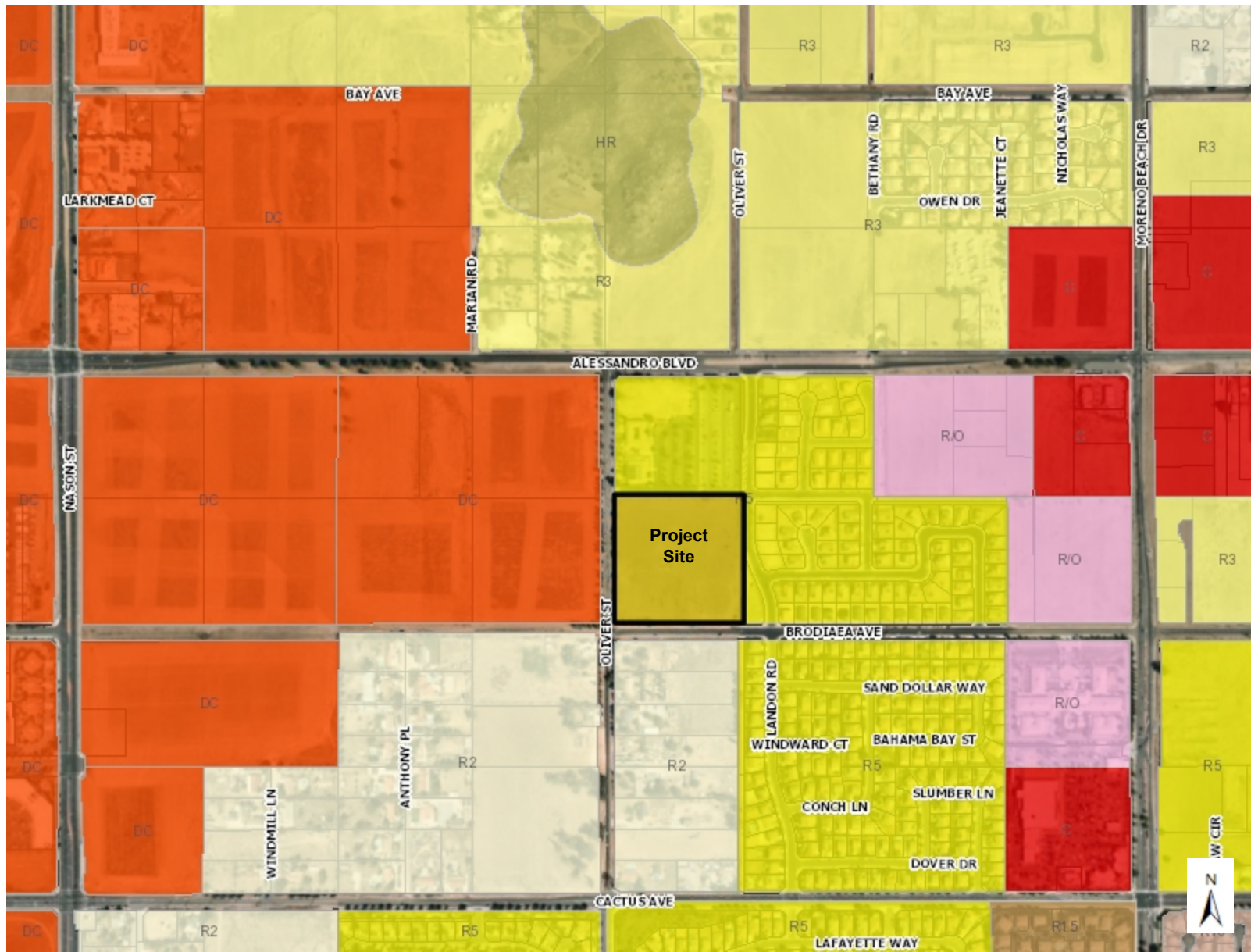
Exhibit A

General Plan Amendment Land Use Designation Map

Attachment: Resolution No. 2022-50 - General Plan Amendment [Revision 1] (6003 : Dr Horton Tract 38237)



General Plan Land Use



Legend

Current Land Use

- Residential 5 (R5)

Proposed Land Use

- Residential 10 District (R10)

Notes:

1,491.1 0 745.54 1,491.1 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

Print Date: 11/3/2022

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: Resolution No. 2022-50 - General Plan Amendment [Revision 1] (6003 : Dr Horton Tract

RESOLUTION NUMBER 2022-49

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE CHANGE OF ZONE (PEN21-0204) TO AMEND THE CITY ZONING ATLAS FROM RESIDENTIAL 5 (R5) DISTRICT TO RESIDENTIAL SINGLE-FAMILY 10 (RS10) DISTRICT FOR THE PROPERTY LOCATED ON THE NORTHEAST CORNER OF OLIVER STREET AND BRODIAEA AVENUE (APN 486-240-010)

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

WHEREAS, DR Horton Los Angeles Holding Company Inc., (“Applicant”) has submitted an application for the approval of a Change of Zone (PEN21-0204) (“Change of Zone”) requesting a Change of Zone amending the City’s Zoning Atlas from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District for the property located on the northeast corner of Oliver Street and Brodiaea Avenue comprised of approximately 8.77-acres (APN 486-240-010) (“Project Site”); and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Moreno Valley Municipal Code and Government Code section 65905, a public hearing was scheduled for November 17, 2022, and notice thereof was duly published, posted, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on November 17, 2022, the public hearing to consider the Change of Zone was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

WHEREAS, on November 17, 2022, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and its Guidelines², the Planning Commission considered and recommended that the City Council approve Resolution 2022-48.

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

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

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

Section 3. Evidence

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

- (a) Moreno Valley General Plan and all relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all relevant provisions referenced therein;
- (c) The Change of Zone to amend the City's Zoning Atlas from Residential 5 (R5) District to Residential Single-Family (RS10) District and all other relevant provisions contained therein as shown on Exhibit A;
- (d) Application for the approval of a Change of Zone (PEN21-0204) and all documents, records, and references contained therein;
- (e) Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing;
- (f) Testimony and/or comments from Applicant and its representatives during the public hearing; and
- (g) Testimony and/or comments from all persons that were provided in written format or correspondence, at, or prior to, the public hearing.

Section 4. Findings

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

- (a) The proposed Change of Zone is consistent with the existing goals, objectives, policies, and programs of the General Plan;
- (b) The proposed Change of Zone will not adversely affect the public health, safety, or general welfare; and
- (c) The proposed Change of Zone is consistent with the purposes and intent of Title 9.

Section 5. Approval

That based on the foregoing Recitals, Evidence in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby recommends that the City Council approve Change of Zone (PEN21-0204) attached hereto as Exhibit A.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

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

Section 8. Effective Date

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

Section 9. Certification

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

PASSED AND ADOPTED THIS 17th day of November, 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

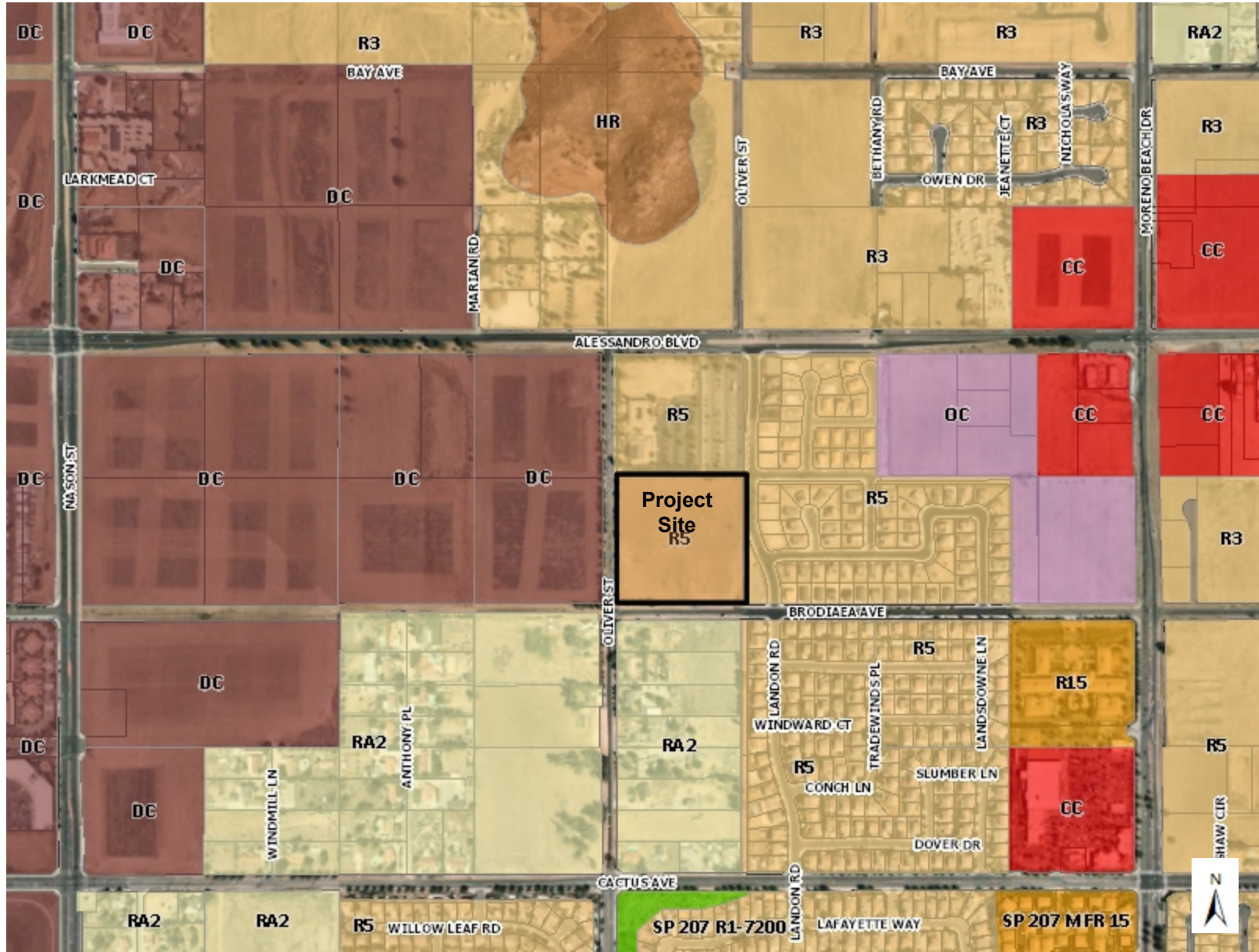
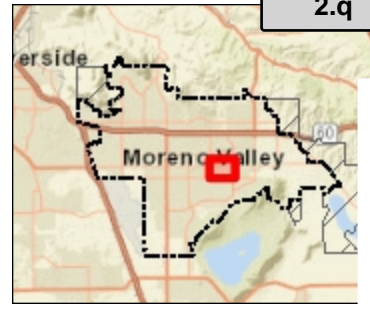
Exhibits:
Exhibit A Proposed Zoning Map

Attachment: Resolution No. 2022-49 - Change of Zone [Revision 1] (6003 : Dr Horton Tract 38237)

Exhibit A
PROPOSED ZONING MAP

Attachment: Resolution No. 2022-49 - Change of Zone [Revision 1] (6003 : Dr Horton Tract 38237)

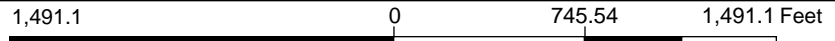
Zoning



- Legend**
- Current Zoning
 - Residential 5 (R5)
 - Proposed Zoning
 - Residential Single-Family 1 District (RS10)

Image Source: Nearmap

Notes:



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

RESOLUTION NUMBER 2022-51

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT AND TENTATIVE TRACT MAP NO. 38237 FOR A PLANNED UNIT DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF OLIVER STREET AND BRODIAEA AVENUE (APN 486-240-010)

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

WHEREAS, DR Horton Los Angeles Holding Company Inc., (“Applicant”) has submitted applications for Conditional Use Permit (PEN22-0162) and Tentative Tract Map 38237 (PEN21-0199) for the development of a sixty-seven (67) lot, single-family residential Planned Unite Development on 8.77 acres, with associated amenities and public improvements (“Proposed Project”) located on the northeast corner of Oliver Street and Brodiaea Avenue (APN 486-240-010) (“Project Site”); and

WHEREAS, Section 9.02.060 (Conditional Use Permits) of the Moreno Valley Municipal Code acknowledges that the purpose of a conditional use permit 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 the location, design, and configuration of improvements related to the Proposed Project, and the potential impact of the Proposed Project on the surrounding area based on fixed and established standards; and

WHEREAS, the applications for the Proposed Project have been evaluated in accordance with Chapter 9.14 (Land Divisions) and Section 9.02.060 (Conditional Use Permits), respectively, of the Municipal Code with consideration given to the City’s General Plan, Zoning Ordinance, and other applicable laws and regulations; and

WHEREAS, Chapter 9.14 (Land Division) of the Moreno Valley Municipal Code imposes conditions of approval upon projects for which a Tentative Tract Map is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the Project Site is used, and any other conditions as may be deemed necessary to protect the public health, safety, and welfare and ensure that the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

WHEREAS, 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 (PEN22-0162), 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, consistent with the requirements of Chapter 9.14 (Land Divisions) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Tentative Tract Map 38237 (PEN21-0199), 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, 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 November 17, 2022, and notice thereof was duly published, posted, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on November 17, 2022, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

WHEREAS, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.060 and 9.14.070 of the Municipal Code and set forth herein could be made concerning the Proposed Project as conditioned by Conditions of Approval; and

WHEREAS, on November 17, 2022, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the Planning Commission considered and recommended that the City Council approve Resolution 2022-48, adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Proposed Project.

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

Section 1. Recitals and Exhibits

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

Section 2. Notice

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

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Section 3. Evidence

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

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Application for Conditional Use Permit (PEN22-0162) and Tentative Tract Map 38237 (PEN21-0199) including Resolution No. 2022-51, and all documents, records, and references contained therein;
- (d) Conditions of Approval for Conditional Use Permit (PEN22-0162) and Tentative Tract Map 38237 (PEN21-0199) and , attached as Exhibit A;
- (e) Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing;
- (f) Testimony, and/or comments from Applicant and its representatives during the public hearing; and
- (g) Testimony and/or comments from all persons provided in written format or correspondence, at, or prior to, the public hearing.

Section 4. Findings

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

- (a) The Proposed Project is consistent with the goals, objectives, policies, and programs of the general plan;
- (b) The Proposed Project complies with all applicable zoning and other regulations;
- (c) The Proposed Project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
- (d) The location, design, and operation of the Proposed Project will be compatible with existing and planned land uses in the vicinity.
- (e) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- (f) That the Project Site is physically suitable for the type of development;
- (g) That the Project Site of the proposed land division is physically suitable for the proposed density of the development;
- (h) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife and/or their habitat;

- (i) That the design of the subdivision or type of improvements is not likely to cause serious public health problems;
- (j) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision;
- (k) That the requirements of CEQA have been satisfied;
- (l) That the proposed land division is not subject to the Williamson Act pursuant to the California Land Conservation Act of 1965;
- (m) That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city;
- (n) That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision; and
- (o) That the effect of the Proposed Project on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

Section 5. Recommend City Council Approval

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby recommends the City Council approve the Proposed Project subject to the Conditions of Approval for Conditional Use Permit (PEN22-0162) and Tentative Tract Map 38237 (PEN21-0199), attached hereto and Exhibit A, respectively.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

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

Section 8. Effective Date

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

Section 9. Certification

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

PASSED AND ADOPTED THIS 17th day of November, 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: Conditional Use Permit (PEN22-0162) and Tentative Tract Map 38237
(PEN21-0199) Conditions of Approval

Attachment: Resolution No. 2022-51 - Conditional Use Permit / Tentative Tract Map [Revision 1] (6003 : Dr Horton Tract 38237)

Exhibit A

Conditional Use Permit (PEN22-0162) and Tentative Tract Map 38237 (PEN21-0199) Conditions of Approval

Attachment: Resolution No. 2022-51 - Conditional Use Permit / Tentative Tract Map [Revision 1] (6003 : Dr Horton Tract 38237)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and
Tentative Tract Map (PEN21-0199)
Page 1

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Conditional Use Permit (PEN22-00162) and
Tentative Tract Map (PEN21-0199)

EFFECTIVE DATE:
EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

1. A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.
2. 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)
3. Approval of this Conditional Use Permit and Tentative Tract Map 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). The Tentative Tract Map shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration . (MC9.02.230, 9.14.050, 080)
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,

Attachment: Resolution No. 2022-51 - Conditional Use Permit / Tentative Tract Map [Revision 1] (6003 : Dr Horton Tract 38237)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 2

trash and debris. (MC 9.02.030)

6. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)

Special Conditions

7. The site has been approved for a General Plan Amendment and a Change of Zone application to change the existing land use designation from Residential 5 to Residential 10, and the zoning designation from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District. Approval also includes a Conditional Use Permit for a Planned Unit Development and a Tentative Tract Map (TTM 38237) to subdivide 8.77 gross acres of vacant land into sixty-seven (67) single-family residential lots and associated amenities and public improvements. A change or modification shall require separate approval. For a Conditional Use Permit, violation may result in revocation of the Conditional Use Permit.
8. Prior to approval of any grading permit, the tree plan shall be submitted to and approved by the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right -of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be shown on the plan, be a minimum size of 24 inch box, and meet a ratio of three replacement trees for each mature tree removed or as approved by the Planning Official. (GP Objective 4.4, 4.5, DG)
9. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.
10. Prior to grading plan approval, Basin fencing shall include wrought iron fencing with pilasters
11. Prior to building final, a basin maintained by an HOA or other private entity, landscape (trees, shrubs and groundcover) and irrigation shall be installed, and maintained by the HOA or other private entity with documentation provided to the Planning Division.
12. Prior to issuance of building permits, final front and street side yard landscape and irrigation plans, and slope landscape plans and basin landscape plans, shall be approved.
13. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
14. Prior to grading plan approval, decorative block walls shall be provided along the street side for all corner lots. (MC 9.08.070)
15. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
16. Prior to building final, the developer/owner or developer's/owner' s successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and
Tentative Tract Map (PEN21-0199)

Page 3

17. A drought tolerant landscape palette shall be utilized throughout the tract in compliance with the City's Landscape Requirements. (9.17)
18. Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to and approved by the Planning Division. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)
19. Prior to issuance of building permit issuance, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA or other private entity shall be submitted to and approved by the Planning Division for the sides and /or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Planning Official is required to secure all water quality and detention basins more than 18 inches in depth.
20. Prior to the issuance of grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.
21. Prior to any site disturbance and/or grading plan submittal, and or final map recordation, a mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant/owner. No City permit or approval shall be issued until such fee is paid. (CEQA)
22. Prior to issuance of a building permit, the developer/property owner or developer's successor-in-interest shall pay all applicable impact fees due at permit issuance, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees. (Ord.)
23. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and /or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

In addition, the following deed restrictions and disclosures shall be included within the document and grant deed of the properties:

- a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.
- b. All lots designated for open space and or detention basins, shall be included as an

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 4

easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.

- c. Maintenance of any and all common facilities.
- d. Maintenance of all front yard landscaping for all home sites within Tract Map 38237.
- e. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.
- f. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Wildlife and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)
26. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
27. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
 - a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
28. Prior to issuance of any grading permit, all Mitigation Measures and Conditions of Approval shall be printed on the building plans.
29. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
30. Prior to the issuance of building permits, landscape and irrigation plans for areas maintained by the Homeowner's Association shall be submitted to the Planning Division. All landscape plans shall be approved by the Planning Division prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's Landscape Development Guidelines. Landscaping is required for the sides and or slopes of all water quality basin and drainage areas, while a hydroseed mix with irrigation is acceptable for the bottom of the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Planning Official is required to secure all water quality and detention basins.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and
Tentative Tract Map (PEN21-0199)

Page 5

31. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements.
32. Prior to issuance of building permits, for projects that will be phased, a phasing plan shall be submitted to and approved by the Planning Division if occupancy is proposed to be phased.

Building Division

33. Prior to submittal, all new development, including residential second units, are required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
34. Contact the Building Safety Division for permit application submittal requirements.
35. 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.
36. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
37. 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.
38. 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 . EMWD utility services shall be provided to each parcel within the development . Contact the water district at 951.928.3777 for specific details.
39. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
40. The proposed residential project shall comply with the California Green Building Standards Code, Section 4.106.4, mandatory requirements for Electric Vehicle Charging Station (EVCS).
41. 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**

42. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and
Tentative Tract Map (PEN21-0199)

Page 6

43. The Fire Department emergency vehicular access road shall be (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. The approved fire access road shall be in place during the time of construction. Temporary fire access roads shall be approved by the Fire Prevention Bureau. (CFC 501.4, and MV City Standard Engineering Plan 108d)
44. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
45. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4)
46. 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)
47. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)
48. Existing fire hydrants on public streets are allowed to be considered available . Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
49. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
50. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
51. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
52. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9, MVMC 8.36.100[D])
53. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
54. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and
Tentative Tract Map (PEN21-0199)

Page 7

- 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)
55. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6” x 4” x 2 ½” x 2 ½”) (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
 56. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 57. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
 58. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
 59. Plans for private water mains supplying fire sprinkler systems and /or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 60. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B 105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering said waterflow for 2 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B)
 61. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6” x 4” x 2 ½”) shall be located at each intersection of all residential streets. Hydrants shall be spaced no more than 500 feet apart in any direction so that no point on the street is more than 250 feet from a hydrant. Minimum fire flow shall be 1000 GPM for 1 hour duration of 20 PSI. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, serving one and two-family residential developments, standard fire hydrants shall be provided at spacing not to exceed 1000 feet along the tract boundary for transportation hazards. (CFC 507.3, Appendix B, MVMC 8.36.060).
 62. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 63. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 64. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and
Tentative Tract Map (PEN21-0199)
Page 8

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

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

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

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

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

68. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place . The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility ’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 9

69. This project may be subject to a Reimbursement Agreement. The Developer is responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. Payment shall be required prior to issuance of building permits.

PUBLIC WORKS DEPARTMENT**Land Development**

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

Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor (s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

74. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
75. In the event right-of-way or offsite easements are required to construct offsite improvements

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 10

- necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right -of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right -of-way or easement acquisition. [GC 66462.5]
76. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
 77. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement . [MC 9.14.110]
 78. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed ." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
 79. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
 80. The proposed private storm drain system shall connect to the project's proposed public storm drain system and the existing public storm drain system, as applicable . A storm drain manhole shall be placed at the right-of-way line to mark the beginning of the publicly maintained portion of this storm drain.
 81. For single family residential subdivisions, all lots shall drain to the street at a minimum surface grade of 2.0% and on-site drainage shall be conveyed onto the street with subsurface drains at a minimum grade of 0.5% per current City Standards MVS1-152 and MVS1-153A. No cross-lot or over the sidewalk drainage shall be allowed.
 82. This project shall submit civil engineering design plans, reports and /or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Tract Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, RCFC storm drain, sewer / water, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to Occupancy release).

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 11

83. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner 's Association (HOA).

Prior to Grading Plan Approval

84. Resolution of all drainage issues shall be as approved by the City Engineer.
85. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
86. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
87. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

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

88. Tract 31590 (PEN20-0144) is awaiting the project's LOMR approval from FEMA, which is anticipated to eliminate the requirement for a CLOMR/LOMR for PEN21-0199. If the approval does not occur and/or if PEN21-0199 lies within a flood hazard area as defined below, the following is required:
- The developer shall comply with the rules and regulations of FEMA and City Municipal Code 8.12 for development within a flood hazard area (defined as Zones A, AE and AH). For developments required to submit a CLOMR(-F) / LOMR(-F), the following items (prepared by a licensed civil engineer or land surveyor) shall be submitted:
- Prior to plan approval, a Floodplain Development Permit (application available at the City).
 - Prior to issuance of the first building permit, a Conditional Letter of Map Revision (CLOMR) including Base Flood Elevation (BFE) shall be approved by the City Engineer and FEMA.
 - Prior to issuance of the certificate of occupancy, a Letter of Map Revision (LOMR)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 12

- package with appropriate fees shall be submitted and approved by the City Engineer and FEMA.
- d. Prior to 90% reduction of public improvement securities, a Letter of Map Revision (LOMR) approved by FEMA shall be submitted to the City.
89. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
 - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
90. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
91. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
92. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
93. The developer shall pay all remaining plan check fees.
94. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
95. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

96. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
97. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 13

98. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]
99. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.
100. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
101. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
102. The developer shall pay all applicable inspection fees.
103. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

104. All proposed street names shall be submitted for review and approved by the City Engineer, if applicable. [MC 9.14.090(E.2.k)]
105. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and /or public utility easements as may be relevant to the project. In addition, for single -family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
106. As applicable, the developer shall enter into a Cooperative Agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project.
107. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
108. Resolution of all drainage issues shall be as approved by the City Engineer.
109. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 14

require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

110. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
111. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
112. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
113. The developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities.
114. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.
115. Under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act, this project shall establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality BMPs". Any lots which are identified as "Water Quality BMPs" shall be owned in fee by the HOA.

Prior to Improvement Plan Approval

116. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.
117. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
118. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
119. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
120. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
121. The hydrology study shall be designed to accept and properly convey all off -site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and
Tentative Tract Map (PEN21-0199)

Page 15

- for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
122. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
 123. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
 124. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
 125. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
 126. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.

Prior to Encroachment Permit

127. A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
128. All applicable inspection fees shall be paid.
129. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
130. Any work performed within public right-of-way requires an encroachment permit.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 16

Prior to Building Permit

131. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
132. For all subdivision projects, the map shall be recorded (excluding model homes). [MC 9.14.190]
133. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- The necessary street right of way dedication on the east side of Oliver Street (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) along the project frontage.
 - The necessary street right of way dedication on the north side of Brodiaea Avenue (66' R/W / 44' CC: Collector, City Standard No. MVSI-106B-0) along the project frontage. Any existing R/W in excess of 33' along the north side of Brodiaea Avenue shall be vacated.
 - A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Oliver Street and Brodiaea Avenue.
 - Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets and intersecting public streets with private streets, as directed by the City Engineer.
134. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and /or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
135. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).

Prior to Occupancy

136. All outstanding fees shall be paid.
137. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
138. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
139. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and
Tentative Tract Map (PEN21-0199)

Page 17

- b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on -site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to : electrical, cable and telephone.
140. For residential subdivisions, punch list work for improvements and capping of streets in that phase shall be completed and approved for acceptance by the City Engineer, prior to the following thresholds:
- a. Issuance of a certificate of occupancy for the last 20% or last 5 homes (whichever is more) of any Map Phase.
141. Prior to occupancy, Master Drainage Plan (MDP) Line H public storm drain shall be constructed of reinforced concrete pipe (RCP) in Oliver Street. MDP Line H-5a public storm drain shall be constructed of reinforced concrete pipe (RCP) in Brodiaea Avenue. Line H shall connect to existing Line H in Oliver Street north of Cactus Avenue. Final design, sizing, and alignment shall be coordinated with the City and Riverside County Flood Control and Water Conservation District (RCFC & WCD), and shall be as approved by the City Engineer. Note that because Tract 38236 (PEN21-0184) is also conditioned to construct Line H in Oliver Street, the tract that goes to construction first will be responsible for this condition as it pertains to Line H.
142. A "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," "Maintenance Agreement for Water Quality Improvements located in the public right-of-way," and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project -specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
143. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.
144. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 18

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

145. Prior to occupancy, the following improvements shall be completed:

Oliver Street (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2) shall be constructed to achieve a half-width of 32', plus an additional 18' of pavement, along the entire project's west frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities. Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-1. Any missing or deficient improvements along the project's east frontage shall be constructed prior to issuance of a certificate of occupancy.

Oliver Street (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-2), between Brodiaea Avenue and Cactus Avenue, shall be constructed to achieve the Minor Arterial street section, with a minimum width of 24'. Final street design shall be coordinated with the MDP Line H storm drain design, and shall be as approved by the City Engineer. Note that because Tract 38236 (PEN21-0184) is also conditioned to construct Line H in Oliver Street, the tract that goes to construction first will be responsible for this condition.

146. Prior to occupancy, the following improvements shall be completed:

Brodiaea Avenue (66' R/W / 44' CC: Collector, City Standard No. MVSI-106B-0) shall be constructed to achieve a half-width of 22', plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

147. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.

148. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 19

Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

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

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

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

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

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 20

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

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

151. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
152. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
153. Zones A and C. The parcel(s) associated with this project is included in Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). Zone A is levied on the property tax bill on a per parcel or dwelling unit basis. Zone C is levied on the property tax bill on a per parcel basis. Zone A and Zone C are levied against all assessable parcels, and any subdivision thereof.
154. CFD 2014-01. Prior to City Council action authorizing the recordation of the final map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) street and storm drain maintenance.

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

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 21

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

155. NPDES Funding. Prior to City Council action authorizing recordation of the final map for the development and if the Land Development Division requires this project to provide a funding source for the City's National Pollutant Discharge Elimination System (NPDES) program, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the balloting/annexation fee or fund an endowment) to provide an ongoing funding source for the NPDES program. This condition must be fully satisfied prior to issuance of the 1st Building Permit. This condition will be satisfied with the successful special election process into the NPDES program, or other special financing district, and payment of all costs associated with the special election process. Participation in the NPDES program requires an annual payment of the annual special tax, assessment, rate or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the City Council action to consider the ballot/annexation into or formation of the district, the qualified elector(s) will not protest the ballot/annexation or formation, but will retain the right to object to any eventual tax/assessment/rate/fee that is not equitable should the financial burden of the tax/assessment/rate/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. (City of Moreno Valley Municipal Code Title 3, Section 3.50.050). Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.
156. Park Maintenance Funding. Prior to City Council action authorizing the recordation of the map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

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

Alternatively, the condition can be satisfied by the Developer funding an endowment in an

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and
Tentative Tract Map (PEN21-0199)
Page 22

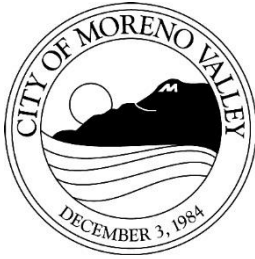
amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SAdmin@moval.org to satisfy this condition.

PARKS & COMMUNITY SERVICES DEPARTMENT

157. This project is subject to current Development Impact Fees.
158. This project is subject to current Quimby Fees.

Standard Conditions

159. Detailed final plans (mylars, PDF, and AutoCAD file on a DVD-R) for parks, trails/bikeways, fencing, and adjoining landscaped areas shall be submitted to and approved by the Director of Parks and Community Services, or his /her designee, prior to the issuance of any building permits. All plans are to include a profile showing grade changes.
160. Within the improvements for PCS, the applicant shall show all existing and planned easements on all maps and plans. Easements on City/CSD owned or maintained parks, trails, bikeways, and landscape shall be identified on each of these plans with the instrument number of the recorded easement.
161. Prior to recordation of the Final Map, the applicant shall post security to guarantee construction or modification of parks, trails and/or bikeways for the City/CSD. Copies of said documentation shall be provided to PCS, prior to the approval of the Final Map.
162. Applicable plan check and inspection fees shall be paid, per the approved City fee schedule.
163. A restriction shall be placed on lots that back up to City /CSD owned or maintained parks, trails, bikeways, and landscaped areas, preventing openings or gates accessing the City/CSD owned or maintained property. This shall be documented through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee, prior to the recordation of the Final Map.
164. The following plans require PCS written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to bikeways; trail improvement plans. PCS will not approve any permits without review and approval of the above items.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: November 17, 2022

MUNICIPAL CODE AMENDMENTS AMENDING VARIOUS SECTIONS WITHIN TITLE 9 PLANNING AND ZONING, INCLUDING CHAPTERS 9.02 PERMITS AND APPROVALS, 9.03 RESIDENTIAL DISTRICTS, 9.07 SPECIAL DISTRICTS, 9.08 GENERAL DEVELOPMENT STANDARDS, 9.09 SPECIFIC USE DEVELOPMENT STANDARDS, 9.11 PARKING, PEDESTRIAN AND LOADING REQUIREMENTS, AND 9.14 LAND DIVISIONS

Case: PEN22-0232 - Municipal Code Amendments

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 Chapters 9.02 Permits and Approvals, 9.03 Residential Districts, 9.07 Special Districts, 9.08 General Development Standards, 9.09 Specific Use Development Standards, 9.11 Parking, Pedestrian and Loading Requirements, and 9.14 Land Divisions.

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

SUMMARY

This Municipal Code Title 9 (Planning & Zoning) Amendment revises various sections 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 allow for single-family residential development within all residential districts in order to facilitate the implementation of the City's Housing Element.

Section 9.02.040 (General Plan Amendments)

This proposed amendment will update the provisions of General Plan Amendments to be consistent with other entitlement processes.

Section 9.02.150 (Temporary Use Permits)

This section is being amended to allow owners and operators of shopping centers more flexibility when inviting businesses to participate in special events they host.

Section 9.07.010(B) (Downtown Center (DC))

This proposed amendment to the Downtown Center (DC) District provides the Planning Commission the authority to modify minimum open space requirements in order to achieve a superior project design.

Section 9.08.070 Fence and walls

This proposed amendment requires new development projects adjacent to the Moreno Valley Freeway (California State Highway 60) to construct either a split-face block wall or tubular steel fence along the property line abutting freeway right-of-way in order to create a more attractive freeway corridor.

Section 9.09.080 Drive-in, drive-through, fast food, and take-out restaurants

This proposed amendment requires the new drive-in, drive-through, fast food, and take-out restaurants to utilize the best available technology for drive-through speaker systems to ensure speaker noise will not be detectable above ambient noise levels beyond property boundaries.

Section 9.11.040 Off-street parking requirements

This proposed amendment ensures that off-street parking required for a new residential project is available to residents and is not rented separately from the units.

Section 9.14.065 Finance and conveyance maps

The proposed amendments clarify the purpose and intent of finance and conveyance maps. This clarification will help the City maintain compliance with its housing element.

Section 9.14.090 Final land division maps

The proposed amendment to Section 9.14.090 will modify the implementation provisions for final tract maps and parcel maps to be consistent with industry standards.

ENVIRONMENTAL

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

NOTIFICATION

Consistent with the City Municipal Code provisions, public notice was published in the Press Enterprise Newspaper.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2022-47, and thereby **RECOMMEND** that the City Council:

1. **FIND** the amendments exempt from the California Environmental Quality Act; and
2. **APPROVE** the Municipal Code Title 9 Amendments (PEN22-0232), based on the findings contained set forth and/or referenced in this Resolution and **INTRODUCE** and **ADOPT** an ordinance to effectuate the amendments included in this Resolution.

Prepared by:
Mindy Davis
Principal 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 2022-47 - Municipal Code Amendment
2. Strikeout/Underline Draft Amendments

RESOLUTION NUMBER 2022-47

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 AMENDING CHAPTERS 9.02 (PERMITS AND APPROVALS), 9.03 (RESIDENTIAL DISTRICTS), 9.07 (SPECIAL DISTRICTS), 9.08 (GENERAL DEVELOPMENT STANDARDS), 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS), 9.11 (PARKING, PEDESTRIAN AND LOADING REQUIREMENTS), AND 9.14 (LAND DIVISIONS) OF THE MORENO VALLEY MUNICIPAL CODE (PEN22-0232)

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 9.03 (Residential Districts), Chapter 9.07 (Special Districts), Chapter 9.08 (General Development Standards), Chapter 9.09 (Specific Use Development Standards), Chapter 9.11 (Parking, Pedestrian and Loading Requirements), and Chapter 9.14 (Land Divisions) (collectively referred to herein as “PEN22-0232”); and

WHEREAS, PEN22-0232 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 PEN22-0232 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 PEN22-0232 will not adversely affect the public health, safety or general welfare; and

WHEREAS, staff has also determined that PEN22-0232 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 Sections 65090 et seq., a public hearing was scheduled for November 17, 2022, and notice thereof was duly published and posted; and

WHEREAS, on November 17, 2022, the public hearing to consider PEN22-0232 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 PEN22-0232 is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

NOW, THEREFORE, THE 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 PEN22-0232 including, but not limited to, the following:

- (a) PEN22-0232 and all relevant provisions referenced therein;
- (b) City's Municipal Code;
- (c) MOVAL 2040 General Plan;
- (d) 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
- (e) 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 PEN22-0232 is consistent with the existing goals, objectives, policies and programs of the MOVAL 2040 General Plan;

- (b) That PEN22-0232 will not adversely affect the public health, safety or general welfare;
- (c) That PEN22-0232 is consistent with the purposes and intent of Title 9; and
- (d) That PEN22-0232 is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

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 (PEN22-0232) 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 17th day of NOVEMBER 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

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code Amendment 2022)

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 9.03 (RESIDENTIAL DISTRICTS), CHAPTER 9.07 (SPECIAL DISTRICTS), CHAPTER 9.08 (GENERAL DEVELOPMENT STANDARDS), CHAPTER 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS), CHAPTER 9.11 (PARKING, PEDESTRIAN AND LOADING REQUIREMENTS), AND CHAPTER 9.14 (LAND DIVISIONS) OF THE MORENO VALLEY MUNICIPAL CODE

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

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

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

WHEREAS, upon Staff’s recommendation, the Planning Commission recommended that the City Council adopt several amendments to Title 9, which include revising certain provisions of Chapter 9.02 (Permits and Approvals), Chapter 9.03 (Residential Districts), Chapter 9.07 (Special Districts), Chapter 9.08 (General Development Standards), Chapter 9.09 (Specific Use Development Standards), Chapter 9.11 (Parking, Pedestrian and Loading Requirements), and Chapter 9.14 (Land Divisions) (collectively referred to herein as “PEN22-0232”); and

WHEREAS, PEN22-0232 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 and Planning Commission have determined that PEN22-0232 is consistent with the MOVAL 2040 General Plan and its goals, objectives, policies, and programs, and with any applicable specific plan; and

WHEREAS, staff and Planning Commission have further determined that PEN22-0232 will not adversely affect the public health, safety or general welfare; and

WHEREAS, staff and Planning Commission have also determined that PEN22-0232 is consistent with the purposes and intent of Title 9; and

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

WHEREAS, staff and Planning Commission have determined that PEN22-0232 is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment; and

WHEREAS, on _____, 2022, the public hearing to consider PEN22-0232 was duly noticed and conducted by the City Council at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, City Council has determined that PEN22-0232 is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

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

Section 1. RECITALS

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

Section 2. AUTHORITY

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

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

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

Section 4. AMENDMENT TO SECTION 9.02.040 (GENERAL PLAN AMENDMENTS)

Section 9.02.040 (General Plan Amendments) 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 9.02.150 (TEMPORARY USE PERMITS)

Section 9.02.150 (Temporary use permits) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit C.

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Section 6. AMENDMENT TO SECTION 9.03.040 (RESIDENTIAL SITE DEVELOPMENT STANDARDS)

Section 9.03.040 (Residential site development standards) of Chapter 9.03 (Residential Districts) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit D.

Section 7. AMENDMENT TO SECTION 9.07.010(B) (DOWNTOWN CENTER (DC))

Section 9.07.010(B) (Downtown Center (DC)) of Chapter 9.07 (Special Districts) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit E.

Section 8. AMENDMENT TO SECTION 9.08.070 (FENCES AND WALLS)

Section 9.08.070 (Fences and walls) of Chapter 9.08 (General Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit F.

Section 9. AMENDMENT TO SECTION 9.09.080 (DRIVE-IN, DRIVE-THROUGH, FAST FOOD AND TAKE-OUT RESTAURANTS)

Section 9.09.080 (Drive-in, drive-through, fast food and take-out restaurants) of Chapter 9.08 (General Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit G.

Section 10. AMENDMENT TO SECTION 9.11.040 (OFF-STREET PARKING REQUIREMENTS)

Section 9.11.040 (Off-Street parking requirements) of Chapter 9.11 (Parking, Pedestrian and Loading Requirements) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit H.

Section 11. AMENDMENT TO SECTION 9.14.065 (FINANCE AND CONVEYANCE MAPS)

Section 9.14.065 (Finance and conveyance maps) of Chapter 9.14 (Land Divisions) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit I.

Section 12. AMENDMENT TO SECTION 9.14.090 (FINAL LAND DIVISION MAPS)

Section 9.14.090 (Final land division maps) of Chapter 9.14 (Land Divisions) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit J.

Section 13. CEQA COMPLIANCE

That PEN22-0232 is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments

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

Section 14. FINDINGS

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

- (a) That PEN22-0232 is consistent with the existing goals, objectives, policies and programs of the MOVAL 2040 General Plan;
- (b) That PEN22-0232 will not adversely affect the public health, safety or general welfare;
- (c) That PEN22-0232 is consistent with the purposes and intent of Title 9; and
- (d) That PEN22-0232 is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

Section 15. 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 16. 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 17. EFFECTIVE DATE

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

Section 18. CERTIFICATION

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

[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:

Jan Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code Amendment 2022)

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

DRAFT

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 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code Amendment 2022)

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit A

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
Adult Businesses																	A		A	A	P	A	A	A	A	
Agricultural Uses—Crops Only ¹⁸	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 ¹⁸																	◆					X				
Animal Raising (see Section 9.09.090 of this title) ¹⁸	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 ¹⁸													X	X	X	X	X		X			X	X	X	X	
Auction Houses ¹⁸																	X								X	
Auditoriums ¹⁸													◆	◆	◆		◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
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: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code

Exhibit A

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 ¹⁸																						X					
Banks—Financial Institutions ¹⁸													X	X	X	X	X	X	X	X					X	X	
Barber and Beauty Colleges ¹⁸													X	X	X	X	X		X	X				X	X		
Bars (Drinking Establishments) ¹⁸																											
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 ¹⁸									X	X	X	X	X	X													
Bowling Alley													◆	◆	◆	X	X										
Building Material Sales ¹⁸																	◆										
With outdoor storage ¹⁸																	◆						X	X			
Building Material Storage Yards ¹⁸																						X					

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit A

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
Bus, Rail and Taxi Stations ¹⁸															◆		◆									
Business Equipment Sales (includes repairs)													X	X	X	X	X	X	X							X
Business Schools ¹⁸													X	X	X	X	X	X	X	X			X	X	X	X
Business Supply Stores													X	X	X	X	X		X			X	X		X	X
Cabinet Shop																						X	X	X	X	
Caretakers Residence ¹																◆	◆	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 ^{2, 18}	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	C	◆	◆	◆	◆	◆	◆	◆	
Clubs ¹⁸								◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆					C
Commercial Cannabis Activities ^{17, 18}																										
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																										

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit A

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	
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 ¹⁸							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 ¹⁸															C		◆		◆		◆			◆	◆		
Copy Shops													X	X	X	X	X	X	X	X			X	X	X	X	
Country Club ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C															
Dancing, Art, Music and Similar Schools ¹⁸													X	X	X	X	X	X	X	X			X	X	X		
Day Care Centers ^{18, 19}	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	C
Delicatessens ¹⁸													X	X	X	X	X	X					X	X	X		
Diaper Supply Service																							X				
Laundry with fleet storage ¹⁸																							X				
Disposal company																							X				
Drapery Shops													X	X	X	X	X	X									

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit A

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	
Dressmaking Shops													X	X	X	X	X	X									
Driving School ¹⁸													X	X	X	X	X		X	X				X	X	X	
Drug Stores													X	X	X	X	X	X									
Dry Cleaning or Laundry ¹⁸																											
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 ¹⁴																	C		C	C	X	C				C	
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack) ¹⁸	C	C	C	C													◆										C
Exterminators																	C						X	X	X	X	
Farm Worker Housing ¹⁸										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 ¹⁸									C	C	C	C	C														
Frozen Food Locker																						X	X				
Gasoline Dispensing - Non-retail accessory to an auto-related use ¹⁸																	X					X	X	X	X		
Glass Shops and Glass Studios—Stained, etc.																X	X					X	X		X		

Exhibit A

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			
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C																	◆
Handicapped Housing ¹⁸								X	X	X	X	X	X	X	X														
Heavy Equipment Sales and Rentals																	X						X	X					
Hospitals ¹⁸															◆		◆		◆	◆							C	C	C
Hotels ¹⁸																													
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) ¹⁸													X	X	X	X	X		X	X		X	X	X	X				
Libraries ¹⁸	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 ^{12, 18}													X	X	X														
Locksmith Shops													X	X	X	X	X	X				X	X	X	X				
Lodge Halls and Similar Facilities ¹⁸													◆	◆	◆	◆	◆		◆					◆	◆				
Lumberyards																	X					X							
Mail Order House																	X					X	X	X	X				
Manufacturing and Assembly ¹⁸																													

Exhibit A

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
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 ³																						X	X	X	X	
Medical Clinics/Medical Care ¹⁸																										
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 ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C														
Mobile Home Sales or Rentals (outdoor display)																	C									
Mortuaries																										

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code

Exhibit A

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					
With cremation services																															
No cremation services			C	C	C	C	C	C	C	C	C	C			◆	◆	◆												X	X	
Museums ¹⁸	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	X	X	X	
Newspaper and Printing Shops													X	X	X	X	X					X	X	X	X						
Nightclubs ¹⁸														C	C		C														
Nursery, (Plant), Wholesale and Distribution	X	X	X	X																		X	X							X	
Offices (administrative and professional) ¹⁸													X	X	X	X	X	X	X	X			X	X	X						
Open Air Theaters ¹⁸															C						C									C	
Orphanages ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C																			
Painting Contractor																						X	X								
Parcel Delivery Terminals ¹⁸																						X	X	X	X						
Parking Lot															C	C	X	X	C					X							
Parks and Recreation Facilities (public) ¹⁸	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	X	X	X	
Personal Services (e.g., nail salons, spa facilities ¹⁵ , barber and beauty shops, and tattoo parlors) ¹⁸													X	X	X	X	X	X	X							X					
Pharmacy ⁴													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 ¹⁸														◆		◆	◆														
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					

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit A

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	
Public Administration, Buildings and Civic Centers ¹⁸													X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆	X	X	◆	◆	C	
Racetracks ¹⁸																	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 ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆									
Recycling, Large Collection Facility ⁵																	◆					X	X				
Recycling, Small Collection Facility													X	X	X	X	X	X									
Recycling Processing Centers																						X	X	X	X		
Refreshment Stands													X	X	X	X	X	X	X	X	X	X	X	X	X		
Rental Service																											
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 ¹⁸													X	X	X				X	X		X	X	X	X		
Residential ¹⁸																											
Single-Family	X	X	X	X	X	X	X	X	X	X	X	X															
Multiple-Family										X	X	X	X	X	X												
Manufactured home park (see mobile home parks)																											

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit A

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							
	CHR	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		
Residential Care Facility (for seven or more persons) ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X													
Restaurants (Eating and Drinking Establishments) ¹⁸																												
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 ¹³													X	X	X	X	X	X	X								X	
Restaurants (fast-food) ¹⁸																												
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 ⁶													X	X	X	X	X	X	X	X ⁶								
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 ¹⁸											C	C	C	C	C		X											
Skating Rinks ¹⁸														X			X											
Smoke Shops ¹⁶																S	S	S	S									
Stationery Stores													X	X	X	X	X	X	X					X	X			
Statue Shop -Outdoor display																	◆					X	X					

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code

Exhibit A

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	
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 ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C					X										
Taxidermist																	X					X	X				
Theaters (excludes open air) ¹⁸													X	X	X	X	X	X									
Tire Recapping																						X					
Trade and Vocational Schools ¹⁸													X	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) ¹⁸																											
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 ¹⁸																											

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit A

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)	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 ⁷																						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)

Ordinance No. _____
 Date Adopted: MONTH DD, YYYY

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

Exhibit B

9.02.040 General plan amendments.

- A. Purpose and Intent. As conditions within the city change, it may, from time to time, become necessary to amend the general plan to enhance its effectiveness. In addition, state law requires that the general plan be periodically updated. The purpose of this section is to provide a method for amending the general plan to ensure its continued effectiveness.
- B. Authority. Authority for approval of general plan amendments shall be vested in the city council. The community development director and planning commission shall provide recommendations to the city council regarding general plan amendments. The city council may amend all or part of the general plan, or any element thereof. All zoning districts, any specific plan and other plans of the city that are applicable to the same areas or matters affected by the general plan amendment, and which by law must be consistent with the general plan, shall be reviewed and amended concurrently as necessary to ensure consistency between the general plan and implementing zoning, specific plans, and other plans.
- C. Restriction on Number of Amendments. Except as otherwise specified by state law (e.g., Government Code Section 65358), no mandatory element of the general plan shall be amended more frequently than four times during any calendar year.
- D. Initiation of Amendments to the General Plan. An amendment to the general plan or any element thereof may be initiated by any of the following actions:
1. Recommendation of the planning commission and city council concurrence;
 2. Recommendation of the city council; and
 3. A privately filed application involving a change in land use designation for a specific property shall be submitted by the property owner or the owner's authorized agent and shall be accompanied by all required applications. Applications for amendment limited to changes in goals, objectives, policies and implementing actions may be submitted by any affected party and shall be accompanied by an explanation of reasoning and, if applicable, any concurrent applications required for approval of the particular development project the amendment is intended to accommodate. General plan amendment actions for any element, as necessary, will occur on approximately a quarterly basis.
- E. Authority and Hearings. Authority for approval of general plan amendments shall be vested in the city council. The community development director and planning commission shall provide recommendations to the city council regarding general plan amendments.
1. Planning Commission Review.
 - a. A public hearing before the planning commission shall be noticed in accordance with Section 9.02.200 of this chapter and held within a reasonable time (unless otherwise specified by state law), after the close of the quarterly filing period in which a privately initiated application is deemed complete and after required environmental documentation has been completed. A longer period of time may be prescribed by the city council in the case of a city-initiated amendment.
 - b. The planning commission shall make a written recommendation on the proposed amendment to approve, approve in modified form or disapprove.
 - c. Planning commission action recommending disapproval of proposed general plan amendment, regardless of how such amendment was initiated, shall be final unless appealed pursuant to the provisions of Section 9.02.240 of this chapter, within ten (10) consecutive calendar days after the planning commission's recommended disapproval or unless the city council assumes jurisdiction by the request of any member thereof, prior to the end of the ten (10) day appeal period.

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit B

2. City Council Review and Action. A public hearing before the city council shall be noticed in accordance with Section 9.02.200 of this chapter and held on the earliest appropriate date after the recommendation of the planning commission to approve a proposed general plan amendment or appeal of a decision by the planning commission to disapprove a proposed general plan amendment or a decision by the city council or any of its members to hear the matter. The city council may approve, approve with modifications, or disapprove any proposed amendment. Prior to council action, any substantial modification proposed by the council which was not previously considered by the planning commission shall first be referred to the planning commission for its recommendation. Failure of the commission to report within forty-five (45) calendar days, or within the time period set by the city council, shall be deemed a recommendation for approval.
- F. Required Findings. Amendment to the text or maps of the general plan may be made if:
1. The proposed amendment is consistent with existing goals, objectives, policies and programs of the general plan;
 2. The proposed amendment will not adversely affect the public health, safety or general welfare.

Exhibit C

9.02.150 Temporary use permits.

- A. Purpose and Intent. The temporary use permit is intended to allow for short-term activities on privately owned property with appropriate regulations so that such activities will be compatible with the surrounding areas.
- B. Authority.
1. Authority for approval of temporary use permits shall be vested with the community development director through the minor development review process.
 2. A permit shall not be required for events that occur in theaters, meeting halls, or other permanent public assembly facilities. Temporary uses may be subject to additional permits, other city department approvals, licenses, and inspections, as required by any applicable laws or regulations.
- C. Permitted Temporary Uses. The following table identifies those uses which may be permitted subject to the issuance of a temporary use permit:

Temporary Uses Table 9.02.150-3

Permitted Temporary Uses (With a Temporary Use Permit)	Locations	Max. No. Days per Calendar Year
Commercial and noncommercial Christmas tree sales, and incidental sales of Christmas lights, tree stands and decorations, but excluding gift items	All zones	30
Mobile health clinic	All commercial and industrial districts	14
Merchandise sale or provision of services - outdoors or in mobile or temporary enclosures - in conjunction with established businesses (see subsection D of this section)	All commercial districts	36 days per shopping or commercial center
Merchandise sale - outdoors or in mobile or temporary enclosures, sponsored by and on the premises of a bank, savings and loan association or credit union of merchandise typically financed by that institution in the normal course of its lending business (see subsection D of this section)	Banks, savings and loan associations and credit unions	12 days per shopping or commercial center
Real estate offices on the site of a proposed subdivision	All districts	n/a
Construction and security personnel offices on active construction sites	All districts	n/a
Temporary construction yards not located on active construction sites	All districts	n/a
Tent meetings	All districts	30
Commercial carnival, concert, exhibit, festival or similar event outdoors or in temporary enclosures	All commercial and industrial districts	14
Noncommercial carnival, fair, concert, exhibit, festival or similar; outdoors or in temporary enclosures	All districts	14
Pumpkin sales lots	All zones	30
Seasonal produce stands	All zones	120
Any other use deemed appropriate by the community development director.	All districts.	n/a
1. The community development director may extend the maximum number of days per calendar year based on special circumstances.		

- D. Special Requirement for Merchandise Sales. The following shall apply to merchandise sales or provision of services, as delineated in the Temporary Uses Table 9.02.150-3:
1. "Merchandise sale in conjunction with established businesses" means an event managed and operated by the owner or operator of a permanently established business, on the premises of that business (or upon immediately adjacent common area of a shopping or commercial center in which the business is located),

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit C**DRAFT**

- conducting the sale, lease, rental or other transfer of control of merchandise which is inventory of the established business or the provision of services and which is of the same or similar kind and quality normally offered as immediately available to the public by that business at that business site. Sales operated by outside vendors shall not be permitted under this provision. An outdoor sale of merchandise or provision of services on the premises of a business that ordinarily only displays merchandise and/or conducts sales or lease transactions for customer delivery or provides services at another site or at another time shall not be permitted under this provision. This subsection shall not apply to “merchandise sales on the premises of a bank, [etc.],” as listed in the Temporary Uses Table.
2. Merchandise sales or provision of services sponsored and sanctioned by the Master Property Association or Property Manager for Shopping Centers, shall be a maximum of thirty-six (36) days per calendar year. An outdoor sale of merchandise or provision of services on the premises of a business that ordinarily only displays merchandise and/or conducts sales or lease transactions for customer delivery or provides services at another site or at another time shall be permitted under this provision.
 3. Food and Entertainment. Upon approval of the community development director and in compliance with all other laws and regulations, food or entertainment may be sold or provided by secondary vendors incidental to the merchandise sale or provision of services, such as a hot dog cart, snow cone or popcorn wagon, pony ride, inflatable jumper, etc., provided that such uses occupy not more than twenty-five (25) percent of the total space occupied by the sale or four hundred (400) square feet, whichever is less.
 4. No secondary vendors, incidental to the merchandise sale or provisions of services provided, shall conduct business without a buffer of at least two hundred (200) feet from any established business on-site that sells similar products unless written consent from either the Master Property Association, Property Manager, or established business(es), for a lesser buffer, has been presented to the city of Moreno Valley.
 5. Merchandise sales (including display areas) or provision of services shall not occupy landscaped areas or unimproved surfaces.
 6. Merchandise sales or provision of services taking place upon parking surfaces shall be confined to improved parking surfaces. Merchandise sales or provision of services shall not occupy more than twenty (20) percent of the legally required improved parking spaces for the business conducting the sale or services, unless approved by the community development director. No merchandise sale or provision of services shall occupy parking spaces legally required for another business, including other businesses located in the same shopping or commercial center, or parking spaces otherwise required for the shopping or commercial center in which the business is located. Merchandise sales or provision of services may occupy on-site improved parking spaces that are not so legally required, subject to all other provisions of this chapter. No merchandise sale or provision of services shall occupy or encumber more than one hundred twenty-five (125) parking spaces.
 7. Merchandise sales or provision of services shall not negatively affect the vehicular and pedestrian circulation patterns of the subject site or nearby streets, or the usability of the remaining parking spaces for the site, and shall allow unabated access for public safety personnel and vehicles.
 8. Setup and Takedown. One day of setup before a merchandise sale and one day of takedown/cleanup after the sale shall not be counted against the total number

Ordinance No. _____
 Date Adopted: MONTH DD, YYYY

Exhibit C

DRAFT

- of permitted sale days. No sales activity shall occur on such setup or takedown/cleanup days.
9. No Use of Public Right-of-Way. Any and all personal properties or merchandise or services shall be solely contained on private property and shall not extend into the public right-of-way.
 10. Cleanup. The permittee shall be responsible for cleanup of the site within twenty-four (24) hours of termination of the event.
- E. Application Requirements. Applications for temporary use permits shall be filed a minimum of thirty (30) days prior to the date of the proposed event with the community development department. Applications must be accompanied by all appropriate fees and deposits, as determined by resolution of the city council. The application shall include, at a minimum, the following information:
1. A site plan identifying the area to be occupied, including the location of merchandise or provision of services, proposed signage, temporary structure(s) (e.g., tents, shade structures, vending stands, etc.) and all pedestrian areas, parking lot areas and/or drive aisles proposed to be closed, blocked, obstructed and/or barricaded and their proximity to major circulation aisles, public rights-of-way and buildings. The site plan shall provide proof of compliance with all requirements of applicable laws, ordinances and regulations;
 2. Written authorization from the property owner or the property owner's duly authorized agent;
 3. Written operational/environmental statement identifying the proposed dates, defining the nature of the event or use and containing such other information as the community development director or designee shall consider necessary to determine the expected effects and impacts of the event or use;
 4. Proof of all applicable city business licenses.
- F. Criteria for Permit Issuance. The community development director shall consider the following criteria in rendering a decision relative to a temporary use permit application:
1. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
 2. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
 3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;
 4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the community development director and the city traffic engineer;
 5. The property shall be posted at least ten (10) days prior to issuance of a permit for a temporary outdoor event anticipated to accommodate two thousand five hundred (2,500) or more persons on a single site;
 6. Neither the applicant nor any person actually managing or operating the temporary use shall have been in violation of any prior temporary use permit within twelve (12) months of the date of application.
- G. Conditions of Approval. In approving an application for a temporary use permit, the community development director may impose conditions that are deemed necessary to ensure that the permit will be applied in accordance with the criteria outlined above. These conditions may involve any factors affecting the operation of the temporary use or event, and may include, but are not limited to:

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit C**DRAFT**

1. Provision of temporary parking facilities, including vehicular ingress and egress;
2. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases and heat;
3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;
6. Provision of security and safety measures, including deputized officers if necessary, as determined by the chief of police, with all costs borne by the applicant for security and police services;
7. Regulation of signs, including without limitation, placement of any signage outside of the city limits;
8. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested;
9. Submission of a performance bond or other surety device to assure that any temporary facilities or structures used for the proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
10. Submission of a site plan indicating any information required by this section; all events, structures, equipment, merchandise and activities shall be confined to the area designated on the approved site plan for that event;
11. A requirement that the approval of the requested temporary use permit is contingent upon compliance with applicable provisions of other ordinances;
12. All noncity sponsored groups and individuals who wish to utilize city of Moreno Valley, Moreno Valley community service district (MVCSD) or redevelopment agency (RDA) facilities shall be subject to the following requirements:
 - a. Noncity sponsored groups or individuals must complete an application which includes an indemnification and hold harmless clause protecting the city and MVCSD or RDA from the lessee's activities;
 - b. Noncity sponsored groups or individuals must provide the city with evidence of adequate general liability insurance by either:
 - i. Providing the city with an original certificate of liability insurance and endorsement binder naming the city of Moreno Valley, MVCSD or RDA, where appropriate, as an additional insured,
 - ii. Participating in the city's special events insurance program if available and approved by the city manager;
13. Other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this section;
14. Timely payment of all business license fees, gross receipts taxes and sales and use taxes attributable to the temporary use.

Ordinance No. _____
 Date Adopted: MONTH DD, YYYY

Exhibit D

9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.
 - a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

- b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.
 - c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac x 0.10 du/ac plus 5 ac x 0.20 du/ac).
2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.
3. Subdivision Design and Future Land Divisions.
 - a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.
 - b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit D

open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.
5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	Standards
Under 40,000 s.f.	R2 district standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

B. Hillside Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.
 - a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

- b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The community development director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.
 - c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac x 0.25 du/ac plus 5 ac x 0.10 du/ac).
2. Minimum Lot Size. Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit D

3. Subdivision Design and Future Land Divisions.
 - a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.
 - b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.
4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.
5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	Standards
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

6. Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:

Slope Class	Standards
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large, padded building areas.
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

- C. Slope Calculations. For the purposes of this section, the following method will be used to determine slope.
 1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).
 2. a. For the purpose of determining the amount and location of land falling into each slope

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit D

- category, the applicant shall submit to the community development department, at the time of application, a base topographic map of the subject site prepared and signed by a registered civil engineer or licensed land surveyor. Such a map shall have a scale of not less than one inch to two hundred (200) feet and a contour interval of not more than ten (10) feet.
- b. This base topographic map shall include all adjoining properties within three hundred (300) feet of the site boundaries. Slope bands in the range of less than ten (10) percent, ten (10) to fifteen (15) percent, fifteen (15) to twenty-five (25) percent, and greater than twenty-five (25) percent shall be delineated on the topographic map. The map shall be accompanied by a tabulation of the land area in each slope category specified in acres. The exact method for computing the percent slope and area by percent slope category is to be sufficiently described and presented so that a review can readily be made.
3. Slope Mapping Method.
 - a. The percent slope of any particular piece of land shall be plotted on the map as described in this subsection.
 - b. In preparing a slope map, those portions of ravines, ridges and terraces of less area generally sloping at twenty-five (25) percent slope or greater, shall be regarded as part of the bordering twenty-five (25) percent slope or greater band.
 - D. General Residential Requirements. The following tables sets forth minimum site development standards for residential development projects in the specified residential districts. In addition, projects must comply with the special development standards enumerated in this section, the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and standards.

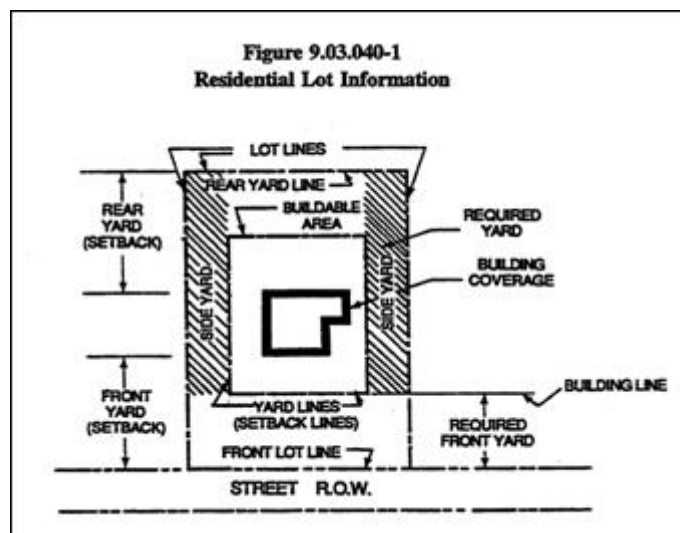
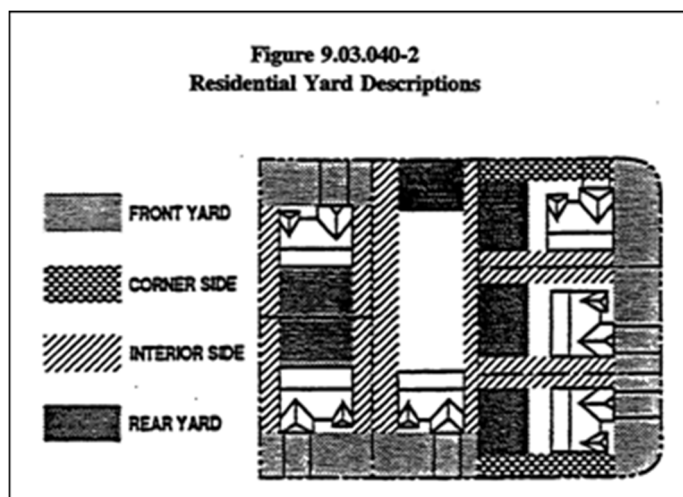


Exhibit D



**Table 9.03.040-6
Residential Site Development Standards
Single-Family Standards**

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages						10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	15
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term "DUs" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040-6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit D

DRAFT

2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.
3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.
4. The minimum front yard setback from private streets within the R1, R2 and R3 districts shall be fifty-five (55) feet measured from the center line of the street. The minimum front yard setback from private streets within the R5 district shall be fifty (50) feet measured from the center line of said street.

Table 9.03.040-7
Residential Site Development Standards
Multifamily Standards

Requirement	R10	R15	R20	R30
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)**	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in ft.	200	200	200	200
4. Minimum lot depth in ft.	175	175	175	175
5. Minimum front yard setback, in ft.	20	25	30	30
6. Minimum side yard setback, in ft.				
Interior side yard	10	10	10	10 ft. plus 2 ft. for every 5 ft. in height over 30 ft.
Street side yard	20	20	20	20
7. Minimum rear yard setback, in ft.	15	20	25	10 ft. plus 2 ft. for every 5 ft. in height over 30 ft.
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in ft.	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in ft. (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

** Minimum lot size only applies to newly subdivided multi-family lots; existing lots can be developed under the multi-family development standards

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.
2. In the R2, RA2, R3 and R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit D

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.
 4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:
 - a. Front porches;
 - b. Automatic garage door openers;
 - c. Electronic security systems.
 5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.
 6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.
 7. For all single-family residential developments in the R10, R15, R20, and R30 districts a Planned Unit Development application shall be submitted to establish the applicable development standards.
 8. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.
- F. Special Multiple-Family Residential Development Standards.
1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.
 2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.
 3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.
 4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.
 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials to include water efficient native plants, except for necessary walks and

Exhibit D

fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with pervious surfaces where feasible to reduce run off.

- 6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
- 7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.
- 8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.
- 9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

- 1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.
- 2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.
- 3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.
- 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.
- 5. Open parking areas should be clustered and treated as landscaped plazas and courts.
- 6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.
- 7. No more than four units for a two-story structure should be served by one entry.
- 8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.
- 9. Common open space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.
- 10. Individual units should have a porch or porch-like space at the front door.
- 11. Trash enclosures shall be located to provide a maximum walking distance of two hundred

Exhibit D**DRAFT**

- fifty (250) feet from the units they serve.
12. Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.
 13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.
 14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.
 15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to post office guidelines.
 16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.
 17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.
 18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.
 19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.
 20. Multiple-family projects warrant special design considerations, including:
 - a. Intimate, shaded outdoor seating areas;
 - b. A network of pathways, providing interesting walking experiences;
 - c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;
 - d. Convenient and attractive access to transit, including porte cocheres, information kiosks, seating areas and water elements;
 - e. Security;
 - f. Direct ambulance access (senior housing projects);
 - g. Parking close to units;
 - h. Elevators (senior housing projects).
 21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.
 22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.
 23. Multifamily projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.
 24. Architectural features should be used to increase privacy from nearby units and common or public spaces.
 25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.
 26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.
 27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

Exhibit E

9.07.010(B) Downtown Center (DC).

B. Downtown Center (DC).

1. Purpose and Intent. The downtown center is envisioned as the primary hub and focal point of Moreno Valley and an economic and cultural engine in the region. The district establishes standards to foster development of a vibrant downtown center at the heart of the city to serve as a focal point of the community and destination for people from around the region. The district allows for a vibrant mix of business, entertainment, residential, cultural, and civic uses with the focus of the highest intensity of development along Nason Street. It integrates existing uses and layers compatible new land uses and public amenities together at various scales and intensities to foster a mix of uses that encourages people to live, work, play, and shop within the downtown center.
With a range of activities day and night, this thriving area will draw people and businesses to Moreno Valley and will showcase the highest quality architecture and design to rival anything in the region. The downtown center will integrate the existing hospital complexes and provide visual and physical connections to Moreno Valley College, Lake Perris, and other key destinations within the community.
Visibility is a critical design consideration for the downtown center. Design standards for development at the core of the downtown center could take advantage of the relatively flat terrain and promote higher building heights to help build visual connections from other locations within the community and enhance the prominence of the downtown center as an important destination. Additionally, public plazas and other vantage points within the downtown center should be designed to allow for view of the scenic hills surrounding the city, enhancing sense of place.
2. Property Development Standards. The downtown center zone applies primarily to parcels in the area generally bounded by Lasselle Street, Iris Avenue, Nason Street, and extending to Cottonwood Avenue at some locations. The intent is to allow for development of a downtown that will include commercial, office, vertical and horizontal mixed use, higher density multifamily development, and lower density residential on the periphery. The most intense development is expected to be focused towards Nason Street. The zone is intended to:
 - a. Ensure orderly and thorough planning and review procedures that will result in quality design;
 - b. Provide the creation and improvement of common open space and coordination of vehicular, pedestrian, and bicycle circulation;
 - c. Establish a procedure for the development of land under unified control to achieve efficient land use patterns while permitting creative and innovative approaches to the development of residential, commercial, and mixed-use in the designated DC district in order to create a central downtown business atmosphere towards Nason Street;
 - d. Encourage mixed development patterns and avoid monotony in large developments by allowing greater flexibility in selecting the means to provide access, light, open space, and amenities; and
 - e. Decrease the burden created by new development on utilities and other infrastructure systems by permitting mixed use development consistent with policies of the general plan.
3. Special Requirements. In order to implement the downtown center (DC) district general plan policies, an area plan will be required demonstrating consistency with

Exhibit E

the principles outlined in the land use and community character (LUCC) element, Table LCC-2 and the illustrative development program shown in the LUCC element, Table LCC-3 prior to approval. For large projects, an existing or proposed specific plan may be used in lieu of an area plan. Development on smaller parcels and multifamily housing projects may satisfy this requirement with a site plan as determined by the community development director, and development of residential projects on the periphery of the downtown center may satisfy the requirement through approval of a planned unit development application.

- a. The Floating Zone Concept. A floating zone is a zone that delineates a general area where certain conditions would need to be considered before a development proposal is approved.
- b. Floating PUDs. The floating planned unit development (DC-PUD) designation allows for the development of single-family housing and less dense multifamily housing on the periphery of the downtown center. This will support development of the most intense development in proximity to Nason Street, allowing residential mixed-use projects with ground-floor commercial uses in proximity to the intersection of Nason Street and Alessandro Boulevard, and encouraging residential development greater than twenty (20) dwelling units per acre along portions of Alessandro Boulevard towards Nason Street.

The designation for the floating planned unit development zone is indicated on the official zoning map with a circle border and the letters “DC-PUD.” This symbol represents a “floating” designation and is only intended to indicate a general area within which a PUD could be located. It does not preclude other development or uses that would otherwise be permitted within the downtown center. The purpose and intent of the PUD floating zone is to provide flexibility in planning for residential development of projects.

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

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

4. Site Development Standards.
 - a. General Requirements. The following sets forth minimum site development standards for the downtown center. In addition, projects must comply with the special requirements enumerated in subsection (B)(3) of this section, the performance standards included in Chapter 9.10, and other applicable

Exhibit E

ordinances, policies, and programs. The parking standards in Section 9.11.040 off-street parking requirements shall apply.

Downtown Center (DC) - Development Standards

Requirement	Development Standards
Block Development	Blocks over 500 feet should feature midblock connections shall as pedestrian pathways or alleys. Block sizes should range between 330 and 660 linear feet where feasible
Mid-Block Pathways	Mid-block pathways shall be no less than 16 feet wide
Buildings shall be oriented such that frontages and entrances are visible and accessible from the public right-of-way, pedestrian connections, parks, or plazas	Buildings shall be oriented such that frontages and entrances are visible and accessible from the public right-of-way, pedestrian connections, parks, or plazas
Density - Dwelling Units (Du)/Acre ^{*1}	NA (with or without affordable housing)
Minimum Site Area	As determined through area plan if required or site plan review
Minimum site width, in feet	As determined through area plan if required or site plan review
Minimum site depth, in feet	As determined through area plan if required or site plan review
Front building setback, in feet (after dedications for right-of-way) ground floor use	0—10
Side street building setback area, in feet (after dedications for right-of-way)	0—10
Interior side yard setback in feet	0—10
Rear yard setback in feet	10
Lot coverage, maximum	Pending landscape and open space requirements
Building height, in feet, maximum	None
Floor Area Ratio (FAR)	NA
Minimum Dwelling Size	*See note below
Minimum distance between buildings in feet (between residential and commercial uses)	10
Parking (surface) front street setback, in feet (after dedications for right-of-way)	10
Parking (surface) side street setback, in feet (after dedications for right-of-way)	5
Garage/Tuck-Under Parking	Prohibited along front lot lines
Underground/Podium Parking	Allowed beneath building footprints
Above Ground Parking Structure	Allowed if screened from views from public right-of-way and adjacent single family residential zones
Setback Landscaping	All setbacks exclusive of required walkways and driveways will be landscaped planting areas
Publicly Accessible Open Space (nonresidential)	15% of net lot area
Private Open Space (multifamily residential) ²	150 sq ft per unit on 1st floor, and 100 sq ft per unit on upper floors
Common Open Space (multifamily residential) ²	300 sq ft per unit

Exhibit E

DRAFT

Requirement	Development Standards
Ground floor building frontages clear glazing material	60%
Ground floor-to-ceiling minimum height in feet	15—20
<p>Notes:</p> <ol style="list-style-type: none"> 1. Minimum Dwelling Unit Sizes. <ol style="list-style-type: none"> a. Studio and One Bedroom: four hundred fifty (450) square feet; b. Two Bedroom: eight hundred (800) square feet; c. Three Bedroom: one thousand (1,000) square feet. 2. The Planning Commission may modify minimum open space requirements. 	

Exhibit F

9.08.070 Fences and walls.

- A. General Provisions.
1. No fence or wall shall be placed in a manner that would deter the fire department from immediately discerning and gaining access to any fire hydrant or other fire protection device. Fences and walls shall be located to maintain a minimum of three feet of clearance around the circumference of any fire hydrant.
 2. No fence or wall shall be placed within a city right-of-way without approval of an encroachment permit by the city engineer for such fence or wall.
 3. Nothing in this section shall be construed to supersede more restrictive provisions of Chapter 8.21 of the municipal code (Grading Regulations), the International Building Code or the International Fire Code.
 4. An open fence or wall, as used in this section, means any fence or wall for which at least seventy-five (75) percent of that portion which is above three feet in height consists of openings that provide visibility and allow the passage of light and air. All other fences and walls are considered solid.
 5. All fences and walls shall comply with the sight distance requirements for traffic safety in accordance with the California Department of Transportation Highway Design Manual.
 6. Required Walls and Fences along Moreno Valley Freeway (California State Highway 60)
 - a. Development projects adjacent to the Moreno Valley Freeway (California State Highway 60) right-of-way shall construct either a split-face block wall or tubular steel fence along the property line abutting freeway right-of-way.
 - b. The split-face block wall or tubular steel fence shall be eight feet (8') tall measured from the highest adjacent grade (property in question or freeway right-of-way).
 - c. Projects with frontage along City right-of-way abutting the Moreno Valley Freeway (California State Highway 60) right-of-way shall install walls and/or fencing along the limits of the right-of-way. The Public works director or their designee may require a fee in-lieu or may waive this requirement.
 - d. Wall heights may be increased subject to the recommendations of a property specific noise study and concurrence by the Community Development Director or their designee.
- B. Fences and Walls in Residential Developments.
1. In required front yards of residential developments:
 - a. Any solid fence or wall located outside of vehicle lines-of-sight at street intersections shall not exceed three feet in height and any open fence or wall shall not exceed six feet in height. The height of such fences and walls shall be measured from the finished grade at the bottom of the fence or wall;
 - b. Retaining walls up to three feet in height are allowed within any front yard. In the case of a retaining wall that faces the exterior of the property on which it is located, an open fence up to three feet in height may be built directly on top of the retaining wall (See Figure 9.08.070-1). In the case of a retaining wall that faces the interior of the property on which it is located, a solid fence or wall up to three feet in height, or an open fence up to six

Exhibit F

- feet in height, may be built directly on top of the retaining wall (See Figure 9.08.070-2);
- c. Fences and walls located in front yards shall be decorative and made of durable materials, including masonry, wood pickets, tubular metal or other materials, as approved by the community development director.
2. In required side and rear yards of residential developments:
 - a. Height.
 - i. Except as described below, a wall or fence along any side yard or rear yard shall not exceed six feet in height, as measured from the finished grade.
 - ii. The height of a wall or fence along the side or rear yard may exceed six feet if the difference in elevation between adjoining sites warrants such increase to maintain the effectiveness of screening that is generally provided by six-foot walls and fences, provided that the height of such wall or fence does not exceed eight feet (See Figure 9.08.070-3).
 - iii. The height of a wall or fence along any side or rear yard may exceed six feet if the decision-making body determines that the additional height is needed to mitigate noise impacts or provide screening from adjoining arterial streets, freeways, or nonresidential uses (see Section 9.08.150 of this chapter). Any such wall or fence shall not exceed the height necessary to mitigate noise and screen undesirable views.
 - b. Retaining Walls and Combinations of Retaining Walls and Nonretaining Fences.
 - i. Retaining walls within any side yard or rear yard shall not exceed six feet in height, except where they are located on the boundary between two residential parcels, in which case they shall not exceed three feet in height. The combined height of retaining wall, wall and or fence shall not exceed eight feet of solid surface (See Figure 9.08.070-4).
 - ii. A six-foot high retaining wall may be placed three feet or more from the side or rear property line (See Figure 9.08.070-5).
 - iii. No two retaining walls on a given slope shall be closer to each other than the height of the taller wall, except as described below.
 - iv. In the case of a retaining wall that faces a street or other public viewpoint, a nonretaining fence or nonretaining wall may be erected above (either up-slope or directly on top) such retaining wall if their solid surfaces, when added together, do not exceed eight feet in height, and the combined surface area of solid and open fencing shall not exceed twelve (12) feet in height subject to approval by the community development director. For example, a four-foot decorative metal rail fence may be placed above a two-foot wall and a six-foot retaining wall (See Figure 9.08.070-6).
 - c. Fence and Wall Design.
 - i. Side Yards and Rear Yards Adjacent to Residential Parcels. Fences and walls located between residential parcels shall be constructed of wood, decorative metal rail, decorative block or other durable materials, as approved by the community development director.

Exhibit F

- ii. Side and Rear Yards Adjacent to Streets, Freeways and Other Rights-of-Way. Fences and walls placed between lots and adjoining rights-of-way shall be constructed of decorative metal rail, decorative block or other decorative and durable materials, as approved by the community development director. Where practical, such fences and walls shall incorporate landscaping, earth berms and changes in materials or texture to reduce visible wall height, deter graffiti and add visual interest. Except where the community development director determines that screening is needed, open walls and fences shall be placed at the top of slopes that are six or more feet above any adjoining right-of-way to provide view opportunities and minimize wall height.
 - iii. Side and Rear Yards Adjacent to Open Space Areas. Except where the community development director determines that screening is needed, open walls and fences shall be placed along side and rear yards that are adjacent to open space areas.
 - iv. View Lots. Except where the community development director determines that screening is needed open walls and fences shall be placed along side and rear yards that are fifteen (15) or more feet above the pad height of the adjacent residential lot.
- C. Fences and Walls in Nonresidential Developments.
1. In any required front or street side building setback area, a wall or fence shall not exceed three feet in height, as measured from the road grade nearest the property line.
 2. Walls for the purpose of visual screening and sound attenuation shall be required between nonresidential activities and any adjacent residential use or residentially zoned property, or where more sensitive adjacent land uses exist. The height, placement and design of such walls shall be considered on a site-specific basis considering the need for sound attenuation or visual screening.
 3. Unless otherwise required pursuant to subsection (B)(2) of this section, walls and fences in any required rear or interior side setback area shall not exceed six feet in height.

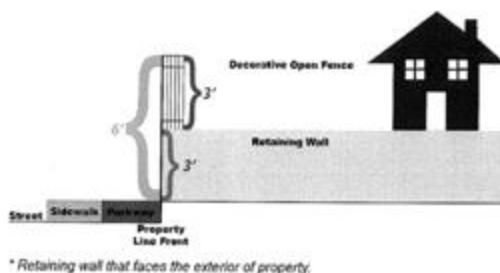
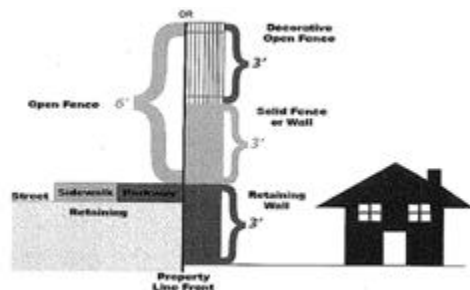


Figure 9.08.070-1

Exhibit F



* Retaining wall that faces the interior of property:

Figure 9.08.070-2

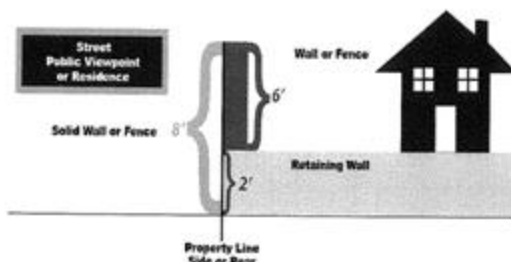


Figure 9.08.070-3

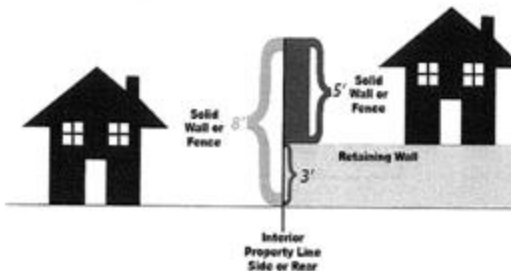


Figure 9.08.070-4

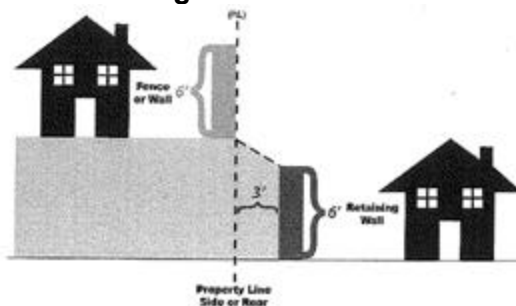


Figure 9.08.070-5

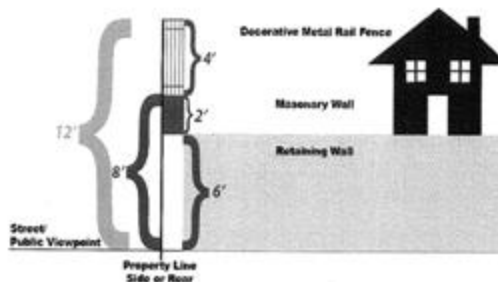


Figure 9.08.070-6

Attachment: Resolution 2022-47 - Municipal Code Amendment [Revision 1] (5984 : Winter Omnibus Code Amendment 2022)

Exhibit G

9.09.080 Drive-in, drive-through, fast food and take-out restaurants.

- A. Purpose and Intent. The purpose of this section is to ensure that drive-in, drive-through, fast food and take-out restaurants do not result in adverse impacts on surrounding neighborhoods by reason of customer and employee parking demand, traffic generation, noise, light, litter, or cumulative impact of such demands in one area, consistent with the goals, objectives and policies of the general plan.
- B. Applicability. Drive-in, drive-through, fast food, or take-out restaurants may be permitted subject to the standards of the underlying district and special conditions listed below. The provisions of this section shall apply to all drive-in, drive-through, fast food and take-out restaurants constructed or the use of which commenced after the effective date of this title and to any expansion of more than twenty (20) percent of the gross floor area or increase of more than twenty-five (25) percent of the number of seats in any such restaurant in use prior to the effective date of this title. Floor area added for the purpose of compliance with state or local health laws or access requirements of the disabled shall not be included in floor area calculations for purposes of determining applicability of this section.
- C. Minimum Development Standards. The following minimum development standards shall apply to all drive-in, drive-through, fast food and take-out restaurants.
1. Hours of Operation. When located on a site adjacent to, or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast food or take-out restaurant shall not open prior to six a.m., nor remain open after ten p.m. unless extended hours are specifically approved by the planning commission.
 2. Driveways. Drive-in and drive-through restaurants sites shall have two points of ingress and/or egress.
 3. Queuing. Drive-up and drive-through restaurants shall have a capacity for queuing a minimum of eight vehicles awaiting service. Queuing area shall not interfere with on- or off-site circulation patterns and shall be reviewed and approved by the city traffic engineer prior to issuance of a building permit.
 4. Parking. A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the city traffic engineer prior to approval of a conditional use permit.
 5. Trash Receptacle. A minimum of one outdoor trash receptacle shall be provided on-site. At least one additional on-site outdoor trash receptacle shall be provided for every ten (10) required parking spaces.
 6. Noise. Any drive-up or drive-through speaker system shall not be detectable above ambient noise levels beyond the property boundaries. The system shall incorporate best available technology to compensate for ambient noise levels.

Exhibit H

9.11.040 Off-street parking requirements.

- A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:

**Table 9.11.040A-12
Off-Street Parking Requirements**

Residential Uses	Requirement	Covered Parking	Notes
Single-family	2/unit	Within an enclosed garage	
Accessory dwelling unit	1/bedroom		The accessory dwelling unit shall provide a minimum of one parking space per bedroom in addition to the parking required for the main dwelling, except as exempted by state law (refer to Section 9.09.130 Accessory dwelling units). Spaces may be provided as uncovered and/or tandem parking on a driveway.
Duplex ¹	2/unit	Within an enclosed garage	
3 or more units: ¹ Studio 1 bedroom 2 bedrooms 3+ bedrooms	1.25/unit 1.5/unit 2.0/unit 2.5/unit	1 covered/unit 1 covered/unit 1 covered/unit 2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Senior housing: ¹ Studio 1 bedroom + bedrooms	1.0/unit 1.25/unit 1.5/unit	1 covered/unit 1 covered/unit 1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.
Residential care homes ¹	Parking requirements shall be determined by the community development director subject to an approved parking study.		
Live-work units (residential component)	2/unit	2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is NOT included in the minimum required parking standard and can be shared with the business aspect of the "live-work" parking standard.

Exhibit H

Residential Uses	Requirement	Covered Parking	Notes
Residential component of mixed-use project ¹	See multiple-family requirements in this table	See multiple-family requirements in this table	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard and may be shared with the nonresidential component. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
General Note:			
1. Required Parking for tenants and guests shall not be rented separately from dwelling units.			

**Table 9.11.040B-12
Off-Street Parking Requirements**

Commercial Uses	Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public. 2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like).
Automobile washing and waxing establishments: Self-serve Automated	2 spaces + 2/washing stall 10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand-alone use. No additional parking required if outdoor dining area comprises no more than 15% of the interior gross floor area of the primary food service use; if outdoor dining area is over 15%, 1 space for every 60 sq. ft. or 1 space for every 3 seats, whichever is greater.
Eating and drinking establishments within shopping centers of 25,000 sq. ft. of building area or greater	1/225 sq. ft. of gross floor area up to 15% of the shopping center gross building square footage	
Hotel/motel	1/guest room	

Exhibit H

Commercial Uses	Requirement	Notes
Kennels	2 spaces/1,000 sq. ft.	2 spaces/1,000 sq. ft. of indoor animal enclosure.
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space/2 work stations	
Schools, private: Business and trade College Elementary/junior high Senior high	10 spaces + 24/classroom 10 spaces + 30/classroom 10 spaces + 2/classroom 10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum.
Medical and health services: Convalescent and nursing homes Homeless shelter Hospitals Residential care facilities	1/3 beds 1/4 beds 1/bed see Residential Uses, Section 9.11.040 Table 9.11.040A-12	
Recreation: Arcades Bowling and billiards Commercial stables Golf course Golf driving range Golf, miniature Health club Parks—public and private Skating rink Tennis, handball and racquetball facilities	1/75 sq. ft. of gross floor area 5/alley + 2/billiard table 1/5 horse capacity for boarding on-site 6/hole 1/tee 3/hole 1/100 sq. ft. of gross floor area To be determined by the approval authority based upon an approved parking study. 1/100 sq. ft. of gross floor area 3/court	
Theaters	1/3 fixed seats	

**Table 9.11.040C-12
Off-Street Parking Requirements**

Industrial Uses	Requirement	Notes
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to the loading parking stall already provided at the dock door.
Research and development	1/350 sq. ft. of gross floor area	
Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	

**Table 9.11.040D-12
Off-Street Parking Requirements**

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit H

DRAFT

Public and Quasi-Public Uses	Requirement	Notes
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.
2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.
3. Accessible parking spaces for other uses shall be provided at the following rates:

No. of Automobile Spaces Provided	No. of Accessible Spaces Provided
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit H

DRAFT

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.
 6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
 7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.
 8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.
 9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.
 10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein.
- C. Low Emitting Fuel Efficient Carpool/Vanpool Vehicle Parking. Eight percent of required parking shall be designated for any combination of low-emitting, fuel efficient and carpool/vanpool vehicles for all new nonresidential development.
- D. Parking requirements for religious institution affiliated housing development projects (RIAHD).
1. Notwithstanding any provisions of this Title or any adopted specific plan to the contrary, the parking requirements for a religious institution affiliated housing development project are subject to the provisions of Government Code section 65913.6, as amended.
 2. Religious institution affiliated housing development project" (RIAHD) is defined as a housing development project that meets all of the following requirements:
 - a. The housing development project is located on one or more contiguous parcels that are each owned, entirely, whether directly or through a wholly owned company or corporation, by a religious institution.
 - b. The housing development project qualifies as being near collocated religious-use parking by being on or adjacent to a parcel with religious-use parking or by being located within one-tenth of a mile of a parcel that contains religious-use parking.
 - c. Qualifies for a density bonus under Government Code section 65915.
 3. Allows up to 50 percent elimination of total religious-use parking spaces available for a

Ordinance No. _____
 Date Adopted: MONTH DD, YYYY

Exhibit H

- Religious Institution Affiliated Housing Development project.
4. No replacement requirement of religious-use parking spaces for a Religious Institution Affiliated Housing Development project proposes to eliminate, provided the reduction does not exceed 50 percent.
 5. Allows the remaining religious-use parking spaces to count toward number of parking spaces required for the Religious Institution Affiliated Housing Development project.
 6. Prohibits the reduction in parking spaces from reducing the minimum parking standards below one space per unit unless the Religious Institution Affiliated Housing Development project is within one-half mile of a high-quality transit corridor or a major transit stop, or a car share vehicle within one block of parcel.
 - a. High-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
 - b. Major transit stop includes existing rail or bus rapid transit station, ferry terminal served by either bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - c. Car sharing means a model of vehicle rental where users can rent vehicles for short periods of time and users are members that have been preapproved to drive.

Exhibit I

9.14.065 Finance and conveyance maps.

- A. Purpose and Intent.
1. The purpose of this chapter is to set forth the process of tentative maps for financing and/or conveyance purposes only, and does not create legal building sites upon which new development may occur. It is not the intent of the finance and/or conveyance map to create any legal building site(s), and a future subdivision map shall be required in accordance with this Chapter, and the subdivision map act, in order for any development to occur.
 2. This criteria shall govern the filing and processing of tentative maps for finance and/or conveyance purposes. Applications for finance and/or conveyance maps (collectively referred to as “financing maps”) may only be accepted under one of the following criteria:
 - a. The site to be subdivided by the map is already developed, and the proposed map will not create legal building sites upon which new development may occur; or
 - b. A future map for development purposes must be processed and recorded in order for any development on the site to occur, and this fact is clearly stated on the face of the map; or
 - c. An approved conditional use permit, master plan, or master Plot Plan is approved for the site, has not expired, and all conditions of approval, expected exactions, and mitigation measures associated with the underlying approval(s) shall be implemented as previously prescribed, or as properly modified, for any development on the property to occur.
- B. Definition.
1. A “finance and/or conveyance map”, sometimes “financing maps”, is a map used to parcelize, for finance and/or conveyance purposes only, undivided land, existing parcel maps, and/or existing tract maps for reasons other than physical development of the property.
- C. Filing Instructions. Finance and/or conveyance maps are filed with the Community Development Department, 14177 Frederick Street, Moreno Valley, California, 92552. Application forms are available at the community development department or may be obtained on-line at www.moval.org, or by contacting the planning division at (951) 413-3206.
- D. Submittal Requirements. The form, content and supplementary information that must accompany a finance and conveyance map shall conform to the submittal requirements for tentative maps set forth in Section 9.14.040 of this code except as hereafter provided.
1. Notwithstanding the requirements set forth in Section 9.14.040, the director of community development or designee may waive the following requirements in writing if requested in advance by the applicant:
 - a. Internal streets and access ways within the boundary of the map (with concurrence of the city engineer);
 - b. Dimensions and location of sidewalks and common areas;
 - c. Soils and geology report;
 - d. Regional housing needs statement; and/or
 - e. Other submittal requirements set forth in Chapter 9.14, Land Divisions, or the Subdivision Map Act, provided, the city engineer determines in advance, that the proposed map continues to comply with the spirit and intent of the Subdivision Map Act, the Subdivision Ordinance, and these subdivision regulations.

Exhibit I

2. The following statement must be clearly printed on the face of the proposed financing map: “FOR FINANCE AND CONVEYANCE PURPOSES ONLY.”
 3. If a future map is required for any development, the face of the map must include the following additional statement: “THIS MAP DOES **NOT** CREATE A LEGAL BUILDING SITE. FURTHER APPLICATIONS ARE NECESSARY TO DEVELOP THIS PROPERTY.”
 4. If a previously approved tentative map, vesting tentative map, or conditional use permit is in place on the property, the face of the map must include the following additional statement in addition to the statement required in subsection (C)(2): “THIS MAP DOES NOT REMOVE ANY DEVELOPMENT REQUIREMENTS SET FORTH WITH APPROVAL OF {insert case number(s)}, WHICH MUST BE SATISFIED WITH CONTINUED DEVELOPMENT OF THE PROPERTY.”
- E. Review Procedure. Except as otherwise noted herein, finance maps shall be processed in the same manner and shall be subject to the same requirements as specified for tentative maps in Section 9.14.050 of the municipal code. The community development department will distribute copies of the financing map to the appropriate reviewing bodies to determine whether the map conforms to the requirements of this chapter, and the Subdivision Map Act. These reviewing bodies are set forth in Section 9.14.050(C) of this chapter.
- F. Approval Process.
1. Criteria. The advisory agency reviewing authority shall base its decision to approve, conditionally approve, or disapprove the proposed financing map on the information required under this chapter, and any additional information reasonably necessary to determine that the property covered by the map can be feasibly developed under the existing zoning and general plan designations for the site. At a minimum, the advisory agency/reviewing authority must ensure the following:
 - a. The parcel (or parcels) of land covered by the map meet the minimum size requirements to ensure that future development can meet all applicable site development standards imposed by Title 9 of the municipal code.
 - b. The parcel (or parcels) of land have access from a public road, or access is both feasible and required by a condition of approval for the proposed map.
 - c. The parcel lines do not conflict with any public easements.
 - d. There are not physical constraints or other issues which may affect the feasibility of future development on the site (e.g., vehicular access, utility service extensions). If necessary in order to adequately evaluate the map, additional technical studies (e.g., access study) should be required prior to finding the application complete.
 - e. The map provides sufficient information on future uses and feasibility of future uses to ensure consistency with the general plan and zoning designations for the site.
 - f. The site is suitable for the future permitted or proposed uses.
 - g. The map provides sufficient information on the subdivision design and future improvements to evaluate its potential impact on the environment in compliance with the California Environmental Quality Act.
 - h. There is sufficient information on the subdivision design and future improvements to enable the city to determine whether the map complies with applicable water quality standards, particularly with respect to future discharge of waste into the sewer system.

Exhibit I

2. Findings. A tentative map for finance and conveyance purposes shall be approved or conditionally approved only if the advisory agency can make the following findings:
- a. That the proposed map is consistent with applicable general and specific plans and the zoning ordinance.
 - b. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - c. That the site is physically suitable for the type of development.
 - d. That the site is physically suitable for the proposed density of development.
 - e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.
 - g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
 - h. That the requirements of the California Environmental Quality Act have been satisfied.
- G. Mandatory Conditions of Approval. In addition to the standard subdivision conditions of approval applied to all maps for development purposes, the following shall apply to all financing maps:
1. Any submittal requirements which were waived in connection with the financing map in accordance with subsection (C)(1) shall be submitted concurrently with the first discretionary application for development of the property covered by the map (i.e., with an application for a future map, a conditional use permit, or master plan), or shall be submitted as prescribed by conditions of approval already in place with underlying entitlement approvals that govern continued or subsequent development of the property as described on the face of the map per subsection (C)(4).
 2. This map is approved for finance and land conveyance purposes only. No applications for building or grading permits shall be accepted for the parcel or parcels created by this map until a (future map/conditional use permit/master plan) for development has been approved by the city, or as prescribed by conditions of approval already in place with underlying entitlement approval that govern continued or subsequent development of the property as described on the face of the map per subsection (C)(4).

Exhibit J

9.14.090 Final land division maps.

- A. General. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a final map thereof prepared in accordance with the current city standards and the approved or conditionally approved tentative map.
- B. Subdivision Boundary Plat Requirements.
1. Surveys made in preparation of final land division maps shall be in accordance with standard practices and principles of surveying and all applicable provisions of the Subdivision Map Act.
 2. Before the final map of a subdivision will be accepted by the city engineer for checking, the land divider shall submit and obtain approval by the city engineer of a map showing:
 - a. A boundary survey of the land division, including all courses and distances necessary to compute a closure;
 - b. Sufficient data to prove the method by which the boundary was determined, including a description of all corners found or set, adjoining maps or property lines of record.
 3. The city engineer may waive the boundary plat if sufficient survey information is of record.
 4. Whenever the city engineer has established the centerline of a street, that data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated. The final map shall show city and county boundaries adjoining the division of land.
- C. Preliminary Filing of Final Subdivision Map.
1. When a boundary survey map is approved or waived by the city engineer, the subdivider may then file his final map for preliminary checking in the office of the city engineer. The quantity of the number of positive prints shall be determined by the city engineer.
 2. The final map shall be accompanied by the following:
 - a. Map checking fee, as set by the city council;
 - b. Any additional data, as determined by the city engineer.
 3. Proposed improvement plans shall be submitted and accompanied with the plan checking fee, as set by the city council.
 4. Prior to the recordation of the final map, the following items shall be provided and approved:
 - a. A copy of the approved conditions, covenants and restrictions (CC&Rs) that are to be recorded with the final map;
 - b. Evidence of title in the form of a current preliminary title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on a final land division map, a subdivision guarantee shall be issued by a California title company. The consent of the owner or owners of any contingent reversionary interest in the lands to be subdivided is not necessary and need not be named in the guarantee of title;
 - c. All requests for waivers of signatures as provided in the Subdivision Map Act;

Exhibit J

- d. Utility Plans.
 - i. An original and three positive prints of each map showing the proposed water distribution and sewage collection systems, signed by a registered civil engineer and the water and sewer purveyors. Each system shall comply with all applicable state and county and city regulations. The city fire prevention officer shall also sign the water plans when conditions include fire protection, and
 - ii. Letters from other utility purveyors that will serve the land division certifying that satisfactory provisions have been made with each of the public utility purveyors as to location of their facilities and construction thereof.
- D. Preliminary Filing of Final Parcel Map. After a tentative parcel map is approved, the land divider may cause a final parcel map to be prepared and submitted to the city engineer. The land divider shall submit the following:
 - 1. A number of positive prints of the final parcel map, as determined by the city engineer with plan checking fee, as set by the city council;
 - 2. All required improvement plans with plan checking fee, as set by the city council; and
 - 3. Evidence of title in the form of a current preliminary title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests herein. In the event that any dedication is to be made for public use of any property shown on a final parcel map, a subdivision guarantee shall be issued by a California title company.
- E. Data Required—Final Land Division Maps.
 - 1. Final subdivision and parcel maps shall conform to all of the following provisions:
 - a. Each map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or good quality polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque material when recommended by the city engineer and authorized by the county recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch;
 - b. Each map, including each sheet of a multisheet map shall bear the number as assigned by the Riverside County road department or other proper official which shall be followed by a subtitle consisting of a general description of all the property being divided by reference to record maps, and to section surveys or ranchos. Reference shall be spelled out and worded identically with original records, with complete reference to proper book and page of record;
 - c. All sheets shall be numbered, the relation of one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet. An adequate number of sheets shall be submitted to clearly present all pertinent data;
 - d. A location map shall be placed on the final map which indicates the location of the proposed land division and its relationship to existing streets and highways;

Exhibit J

DRAFT

- e. The certificates and acknowledgements, required by the Subdivision Map Act and this title, shall appear on the first sheet only. "Certificates" shall include the following:
- i. Owner's certificate,
 - ii. Trustee's certificate,
 - iii. Recorder's certificate,
 - iv. Surveyor's/engineer's certificate,
 - v. City engineer's certificate,
 - vi. City clerk's certificate,
 - vii. Tax collector's certificate,
 - viii. Tax bond certificate (as appropriate).
- The first sheet shall also include: (1) signature omissions (relating to oil, gas or mineral rights) and (2) notice of election by land divider to defer payment of drainage fees. If needed, the second map sheet may be used for notary acknowledgements. In no case shall the certificates noted above be placed on the second sheet of a multisheet map;
- f. The recorder's certificate shall be placed in the upper right-hand corner of the map or in the upper right-hand corner of the first sheet only of multisheet maps;
- g. The surveyor's or engineer's certificate shall state that the survey was made by him or under his direction, that the survey is true and complete as shown, that all monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced, that the map conforms to the approved tentative map and conditions of approval thereof, and that all provisions of the applicable state and local ordinances have been complied with;
- h. The number, scale, north point and sheet number shall be shown on each sheet of the map. The map shall be drawn at a suitable engineer's scale to identify and describe all essential details clearly. If more than two map sheets are used, an index showing the division of land, with lots numbered as shown on the map, shall be shown. A complete boundary survey shall be shown on one sheet of every phase of a unitized subdivision. Such boundary shall also reflect the original boundary as shown on the tentative map of the subdivision;
- i. A land division name shall not be shown on the map;
- j. The exterior boundary of the land shown on a land division map shall be indicated by a distinctive delineation and clearly designated;
- k. A statement labeled surveyor's notes or engineer's notes shall be shown on the first map sheet after the signature sheet of a multisheet map. The statement shall include the basis of bearings; the monuments that were found; the monuments and points that were set, with reference to city standards; and a key to the symbols and abbreviations and such other information required by the city engineer;
- l. Lots shall be numbered consecutively, commencing with the number "1," with no omissions or duplications. Each lot shall be shown in its entirety on one sheet. Lots used for streets, alleys or barrier strips shall be lettered. Easements shall be clearly identified; and
- m. Where a part-width street is shown on a map, the centerline of the improvements shall be monumented and shown correctly, as related to the full future width of the street.

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit J

2. The following data shall be shown on each final subdivision and parcel map:
- a. Dates of survey and the name and registration number of the person authorized to practice land surveying by the state of California and who is responsible for the preparation of the map;
 - b. Locations and names (without abbreviations) of all adjoining, existing and proposed streets and the location of alleys. Proposed public area and easements shall also be identified;
 - c. Gross area of land division, and the net acreage, computed to the nearest .01 acres, on all lots containing one acre or more. Lot lines shall be shown by solid lines;
 - d. Centerlines of all streets and lengths, tangent, radius and central angle or radial bearings on all points on curves and the bearings of radial lines to each lot corner on a curve; the width of each street, the width of the portion being dedicated and the width of existing dedications; and the widths of right-of-way of railroads, flood control or drainage channels and other easements appearing on the map;
 - e. Sufficient data to determine readily the bearing and length of each line. Recorded survey data as required by the city engineer;
 - f. Sufficient primary survey control points;
 - g. Ties to and recording references to adjacent record maps and to section corners, quarter section corners and also to section lines and quarter section lines when adjacent or within the map;
 - h. Centerline data and width of all easements to which the division of land is subject. If the easements are not definitely located by record, a statement as to the easement shall appear on the title sheet of the land division. Distances and bearings on the side lines of lots which are cut by an easement shall be so shown as to indicate clearly the actual location. Alignment data alongside lot lines of easements shall be provided when not controlled by paralleling lines or centerline. The easement shall be clearly labeled and identified and, if already on record, proper reference to the records given. Easements dedicated in land divisions shall be included in the owner's certificate of dedication. Easements shall be shown on the map by broken lines;
 - i. Clear indication of stakes, monuments or other evidence found on the ground to determine the boundaries of the tract, data to determine physical description, size, ground position, tag number and record reference of survey markers; untagged monuments accepted as control shall be tagged or replaced by the surveyor or engineer making the survey;
 - j. No setback lines shall appear on the final map;
 - k. New street names shown on a land division map must be approved by the city engineer;
 - l. When an environmental constraint sheet is required, a note shall be placed below the surveyor's notes on the final map in one-fourth inch high bold block letters, stating:
ENVIRONMENTAL CONSTRAINT NOTE: Environmental constraint sheet affecting this map is on file in the Office of the City Engineer. This affects Lot Nos. _____ or Parcel No. _____.
and
 - m. The basis of bearings must be between two found monuments of one record map survey plat or right-of-way map on file and approved by the county surveyor or the city engineer. Replacement monuments may be

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit J

DRAFT

used if the position of the original monuments have been preserved by cross-ties or swing ties acceptable to the city engineer. The bearing and distance of the reference line shall be shown on the map and if the distance is also of record it shall be so stated. If a basis of bearing is not available from a record map then a basis will be, as determined by the city engineer.

- F. Parcel Maps Compiled from Recorded Data. A parcel map of four or less parcels may be compiled from recorded or filed data, if such data is acceptable to the city engineer.
- G. Filing of Final Land Division Maps.
1. After the preliminary final land division map is determined to be correct, the city engineer shall notify the land divider to prepare and submit the original and duplicate original of the final map together with all required agreements for improvements and securities and all other required documents as may be necessary for consideration of the final map. If the final land division map or documents are not determined complete by the city engineer, they shall be returned to the land divider for corrections.
 2. The original and duplicate original map shall be inscribed on polyester base film, including the required signatures, and shall meet the requirement of the city engineer.
- H. Action by the City Engineer.
1. When a Schedule "A," "B," "C," or "D" final tract map and all agreements, securities and other required documents have been submitted and found to be in correct form, the city engineer shall, within twenty (20) days thereafter, file the final map and documents with the city clerk and certify that:
 - a. He has examined the map;
 - b. The land division as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof;
 - c. All provisions of the Subdivision Map Act and all city ordinances applicable at the time of approval of the tentative map have been complied with;
 - d. He is satisfied that the map is technically correct; and
 - e. In the certificate, the city engineer shall state the date of approval of the tentative map and the date of expiration.
 2. When a Schedule "E," "F," "G," "H", or "I" final parcel map and all agreements, securities and other required documents have been submitted and found to be in correct form, the City Engineer shall, within 20 days thereafter, approve the map if it conforms to all the requirements of the Subdivision Map Act and this ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or, if it does not so conform, disapprove the map; provided, however, that the final map shall not be disapproved due to technical or inadvertent errors which in the opinion of the City Engineer do not materially affect the validity of the map. When the map is approved, the City Engineer may accept or reject dedications and offers of dedication that are made by certificate on such map, and may sign the certificate for the City. The City Engineer shall file the approved map and documents with the City Clerk.
- I. Action by the City Council. The city council, upon filing of a Schedule "A," "B," "C," "D," "E," "F," "G," "H" or "I" map, shall at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of the Subdivision Map Act and this title applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or if it does not so conform, disapprove the map; provided, however, that the final map shall not be disapproved due to technical or inadvertent errors which in the opinion of the city engineer do not materially affect the validity of the map.

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit J

DRAFT

- J. Surveys and Monuments.
1. At the time of making the survey for a final land division map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code and also comply with city standards.
 2. All monuments for final land division maps containing five or more lots, and all Schedule "E" maps regardless of the amount of lots shown on the map, shall be set prior to the recordation of the map unless the land divider executes a secured agreement guaranteeing the setting of the monuments.
 3. All monuments for final land division maps containing four or less lots, except Schedule "E" maps, shall be set prior to the recordation of the map.
- K. Delivery of Final Map to the Recorder.
1. Upon approval by the city council, the city clerk shall certify that all required certificates, security and deposits have been filed and shall transmit the final map to the recorder.
 2. The land developer shall present to the recorder evidence that, at the time of the filing of a final map, the parties consenting to the filing are all of the parties having a record title interest in the real property being divided whose signatures are required, as shown by the records in the office of the recorder; otherwise, the map shall not be filed.
 3. The recorder shall have not more than ten (10) days within which to examine the final land division map and either accept or reject it for filing.
 4. If the recorder accepts the map for filing, such acceptance shall be certified on the face thereof.
 5. The recorder, upon filing the final subdivision map or parcel map, shall attach the recording data to the polyester type film duplicate original and thereupon deliver the same to the city engineer who shall retain custody thereof.
- L. Waived Maps.
1. The waiver of a final map shall only be approved by the city engineer based on the required findings pursuant to Section 66428(b) of the Subdivision Map Act. To allow a waiver, the city engineer shall first determine that the proposed division of land complies with city requirements with respect to area, improvements and design, floodwaters and drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or city ordinances.
 2. The requirement for a tentative parcel map may be waived by the community development director if it is determined by the city engineer that the land division meets the requirements herein for approval of a waiver of the final parcel map and a request for waiver of the tentative parcel map accompanies the request for waiver of the final parcel map.
 3. When a final parcel map has been waived, the city engineer shall distribute copies of the certificate of compliance and waiver of the parcel map to the community development department and file a certificate of compliance with the recorder's office upon payment of the fee set per the city council.
- M. Certificate of Correction of Final Maps. After a final map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by a certificate of correction.
1. Application. The land divider may apply for a certificate of correction upon finding that one or more of the following conditions apply:
 - a. To correct an error in any course or distance shown thereon;
 - b. To show any course or distance that was omitted therefrom;

Ordinance No. _____
 Date Adopted: MONTH DD, YYYY

Exhibit J

DRAFT

- c. To correct an error in the description of the real property shown on the map;
 - d. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
 - e. To show the proper location or character of any monument which has been changed in location or character and originally was shown at the wrong location or incorrectly as to its character; or
 - f. To correct any other type of map error or omission as approved by the city engineer which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps. As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.
2. The application for a certificate of correction shall be made to the city engineer upon payment of fees set by the city council and on the forms provided by the city engineer and shall include such information, as required by the city engineer in addition to the following:
 - a. The certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor and shall show in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission.
 3. Recordation of Certificate of Correction. Once the certificate of correction has been certified by the city engineer, the certificate of correction shall be filed in the office of the county recorder in which the original map was filed. Upon such filing, the county recorder shall index the names of the fee owners and the appropriate tract designation shown on the amended map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to give notice of all such corrections in the same manner as though set forth upon the original map.
- N. Amendment of Final Maps.
1. In addition to the amendments authorized by subsection M of this section, after a final map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by an amendment of final map.
 2. Application. The land divider may apply for an amendment of final map on the forms provided by the city engineer upon payment of fees as set by the city council and shall include such information, as required by the city engineer.
 3. No amendment of final map shall be approved unless it complies with the following standards:
 - a. There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary;
 - b. The modifications do not impose any additional burden on the present fee owner of the property;
 - c. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 - d. The city engineer finds that the map, as modified, conforms to the provisions of Section 9.14.080 of this chapter.
 4. Notice of Hearing. The city engineer shall set the matter for public hearing in accordance with Section 9.02.200 of this title. The hearing shall be confined to consideration of and action on the proposed modification.

Ordinance No. _____
Date Adopted: MONTH DD, YYYY

Exhibit J

5. Recordation of Amendment of Final Map. When the changes to a final map are in conformance with the standards, the city engineer shall certify to this fact on the amended map.

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
Adult Businesses																	A		A	A	P	A	A	A	A	
Agricultural Uses—Crops Only ¹⁸	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 ¹⁸																	♦					X				
Animal Raising (see Section 9.09.090 of this title) ¹⁸	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 ¹⁸													X	X	X	X	X		X			X	X	X	X	
Auction Houses ¹⁸																	X								X	
Auditoriums ¹⁸													♦	♦	♦		♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Auto Electronic Accessories and Installation																	X					X	X		X	
Automobile Fleet Storage																						X	X			
Automobile, Motorcycle, Truck, Golf Cart, Recreational Vehicle and Boat Sales and Incidental Minor Repairs and Accessory Installations																	♦					X	X			
Auto Service Stations																										
Accessory uses include convenience store and car wash																	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

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 ¹⁸																						X					
Banks—Financial Institutions ¹⁸													X	X	X	X	X	X	X	X					X	X	
Barber and Beauty Colleges ¹⁸													X	X	X	X	X		X	X				X	X		
Bars (Drinking Establishments) ¹⁸																											
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 ¹⁸									X	X	X	X	X	X													
Bowling Alley													◆	◆	◆	X	X										
Building Material Sales ¹⁸																	◆										
With outdoor storage ¹⁸																	◆						X	X			
Building Material Storage Yards ¹⁸																							X				

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

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	
Bus, Rail and Taxi Stations ¹⁸															◆		◆										
Business Equipment Sales (includes repairs)													X	X	X	X	X	X	X							X	
Business Schools ¹⁸													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 ¹																◆	◆	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 ^{2, 18}	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	C	◆	◆	◆	◆	◆	◆	◆	◆	
Clubs ¹⁸								◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆					C
Commercial Cannabis Activities ^{17, 18}																											
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																											

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

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
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 ¹⁸							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 ¹⁸															C		◆		◆		◆			◆	◆	
Copy Shops													X	X	X	X	X	X	X	X		X	X	X	X	
Country Club ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C														
Dancing, Art, Music and Similar Schools ¹⁸													X	X	X	X	X	X	X	X			X	X	X	
Day Care Centers ^{18, 19}	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	C
Delicatessens ¹⁸													X	X	X	X	X	X					X	X	X	
Diaper Supply Service																						X				
Laundry with fleet storage ¹⁸																						X				
Disposal company																						X				
Drapery Shops													X	X	X	X	X	X								

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

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	
Dressmaking Shops													X	X	X	X	X	X									
Driving School ¹⁸													X	X	X	X	X		X	X				X	X	X	
Drug Stores													X	X	X	X	X	X									
Dry Cleaning or Laundry ¹⁸																											
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 ¹⁴																	C		C	C	X	C				C	
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack) ¹⁸	C	C	C	C													♦										C
Exterminators																	C						X	X	X	X	
Farm Worker Housing ¹⁸										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 ¹⁸									C	C	C	C	C														
Frozen Food Locker																							X	X			
Gasoline Dispensing - Non-retail accessory to an auto-related use ¹⁸																	X						X	X	X	X	
Glass Shops and Glass Studios—Stained, etc.																X	X						X	X		X	

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

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			
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C																	◆
Handicapped Housing ¹⁸								X	X	X	X	X	X	X	X														
Heavy Equipment Sales and Rentals																	X									X	X		
Hospitals ¹⁸															◆		◆		◆	◆							C	C	C
Hotels ¹⁸																													
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) ¹⁸													X	X	X	X	X		X	X		X	X	X	X				
Libraries ¹⁸	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 ^{12, 18}													X	X	X														
Locksmith Shops													X	X	X	X	X	X				X	X	X	X				
Lodge Halls and Similar Facilities ¹⁸													◆	◆	◆	◆	◆		◆							◆	◆		
Lumberyards																	X					X							
Mail Order House																	X					X	X	X	X				
Manufacturing and Assembly ¹⁸																													

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

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
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 ³																						X	X	X	X	
Medical Clinics/Medical Care¹⁸																										
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 ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C														
Mobile Home Sales or Rentals (outdoor display)																	C									
Mortuaries																										

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

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		
With cremation services																												
No cremation services			C	C	C	C	C	C	C	C	C	C			◆	◆	◆											
Museums ¹⁸	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 ¹⁸														C	C		C											
Nursery, (Plant), Wholesale and Distribution	X	X	X	X																		X	X			X		
Offices (administrative and professional) ¹⁸													X	X	X	X	X	X	X	X			X	X	X			
Open Air Theaters ¹⁸															C						C						C	
Orphanages ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C																
Painting Contractor																						X	X					
Parcel Delivery Terminals ¹⁸																						X	X	X	X			
Parking Lot															C	C	X	X	C					X				
Parks and Recreation Facilities (public) ¹⁸	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 ¹⁵ , barber and beauty shops, and tattoo parlors) ¹⁸													X	X	X	X	X	X	X						X			
Pharmacy ⁴													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 ¹⁸														◆		◆	◆											
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			

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

Strikeout/Underline Code Amendments

Permitted Uses Table 9.02.020-1																											
<p>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.</p>																											
	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	
Public Administration, Buildings and Civic Centers ¹⁸													X	X	X	X	X	X	X	X	X	X	X	X	X		
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	♦	♦	♦	♦	X	X	♦	♦	C	
Racetracks ¹⁸																	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 ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	♦									
Recycling, Large Collection Facility ⁵																	♦					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 ¹⁸													X	X	X				X	X		X	X	X	X		
Residential ¹⁸																											
Single-Family	X	X	X	X	X	X	X	X	X	X	X	X															
Multiple-Family													X	X	X												
Manufactured home park (see mobile home parks)																											

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

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						
	CHR	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	
Residential Care Facility (for seven or more persons) ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X												
Restaurants (Eating and Drinking Establishments) ¹⁸																											
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 ¹³													X	X	X	X	X	X	X								X
Restaurants (fast-food) ¹⁸																											
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 ⁶													X	X	X	X	X	X	X	X ⁶							
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 ¹⁸											C	C	C	C		X											
Skating Rinks ¹⁸													X			X											
Smoke Shops ¹⁶															S	S	S	S									
Stationery Stores												X	X	X	X	X	X	X						X	X		
Statue Shop -Outdoor display																♦					X	X					

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

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	
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 ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C					X										
Taxidermist																	X					X	X				
Theaters (excludes open air) ¹⁸													X	X	X	X	X	X									
Tire Recapping																						X					
Trade and Vocational Schools ¹⁸													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) ¹⁸																											
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 ¹⁸																											

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

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)	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 ⁷																						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)

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

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code

Strikeout/Underline Code Amendments

9.02.040 General plan amendments.

- A. Purpose and Intent. As conditions within the city change, it may, from time to time, become necessary to amend the general plan to enhance its effectiveness. In addition, state law requires that the general plan be periodically updated. The purpose of this section is to provide a method for amending the general plan to ensure its continued effectiveness.
- B. Authority. Authority for approval of general plan amendments shall be vested in the city council. The community development director and planning commission shall provide recommendations to the city council regarding general plan amendments. The city council may amend all or part of the general plan, or any element thereof. All zoning districts, any specific plan and other plans of the city that are applicable to the same areas or matters affected by the general plan amendment, and which by law must be consistent with the general plan, shall be reviewed and amended concurrently as necessary to ensure consistency between the general plan and implementing zoning, specific plans, and other plans.
- C. Restriction on Number of Amendments. Except as otherwise specified by state law (e.g., Government Code Section 65358), no mandatory element of the general plan shall be amended more frequently than four times during any calendar year.
- D. Initiation of Amendments to the General Plan. An amendment to the general plan or any element thereof may be initiated by any of the following actions:
1. Recommendation of the planning commission and city council concurrence;
 2. Recommendation of the city council; and
 3. A privately filed application involving a change in land use designation for a specific property shall be submitted by the property owner or the owner's authorized agent and shall be accompanied by all required applications. Applications for amendment limited to changes in goals, objectives, policies and implementing actions may be submitted by any affected party and shall be accompanied by an explanation of reasoning and, if applicable, any concurrent applications required for approval of the particular development project the amendment is intended to accommodate. General plan amendment actions for any element, as necessary, will occur on approximately a quarterly basis.
- E. Authority and Hearings. Authority for approval of general plan amendments shall be vested in the city council. The community development director and planning commission shall provide recommendations to the city council regarding general plan amendments.
1. Planning Commission Review.
 - a. A public hearing before the planning commission shall be noticed in accordance with Section 9.02.200 of this chapter and held within a reasonable time (unless otherwise specified by state law), after the close of the quarterly filing period in which a privately initiated application is deemed complete and after required environmental documentation has been completed. A longer period of time may be prescribed by the city council in the case of a city-initiated amendment.
 - b. The planning commission shall make a written recommendation on the proposed amendment to approve, approve in modified form or disapprove.
 - c. Planning commission action recommending disapproval of proposed general plan amendment, regardless of how such amendment was initiated, shall be final unless appealed pursuant to the provisions of Section 9.02.240 of this chapter, within ~~tenfifteen~~ (1015) consecutive calendar days after the planning commission's recommended disapproval or unless the city council assumes jurisdiction by the request of any member thereof, prior to the end of the ~~tenfifteen~~ (1015) day appeal period.

Strikeout/Underline Code Amendments

2. City Council Review and Action. A public hearing before the city council shall be noticed in accordance with Section 9.02.200 of this chapter and held on the earliest appropriate date after the recommendation of the planning commission to approve a proposed general plan amendment or appeal of a decision by the planning commission to ~~approve or~~ disapprove a proposed general plan amendment or a decision by the city council or any of its members to hear the matter. The city council may approve, approve with modifications, or disapprove any proposed amendment. Prior to council action, any substantial modification proposed by the council which was not previously considered by the planning commission shall first be referred to the planning commission for its recommendation. Failure of the commission to report within forty-five (45) calendar days, or within the time period set by the city council, shall be deemed a recommendation for approval.
- F. Required Findings. Amendment to the text or maps of the general plan may be made if:
1. The proposed amendment is consistent with existing goals, objectives, policies and programs of the general plan;
 2. The proposed amendment will not adversely affect the public health, safety or general welfare.

Strikeout/Underline Code Amendments

9.02.150 Temporary use permits.

- A. Purpose and Intent. The temporary use permit is intended to allow for short-term activities on privately owned property with appropriate regulations so that such activities will be compatible with the surrounding areas.
- B. Authority.
1. Authority for approval of temporary use permits shall be vested with the community development director through the minor development review process.
 2. A permit shall not be required for events that occur in theaters, meeting halls, or other permanent public assembly facilities. Temporary uses may be subject to additional permits, other city department approvals, licenses, and inspections, as required by any applicable laws or regulations.
- C. Permitted Temporary Uses. The following table identifies those uses which may be permitted subject to the issuance of a temporary use permit:

Temporary Uses Table 9.02.150-3

Permitted Temporary Uses (With a Temporary Use Permit)	Locations	Max. No. Days per Calendar Year
Commercial and noncommercial Christmas tree sales, and incidental sales of Christmas lights, tree stands and decorations, but excluding gift items	All zones	30
Mobile health clinic	All commercial and industrial districts	14
Merchandise sale or provision of services - outdoors or in mobile or temporary enclosures - in conjunction with established businesses (see subsection D of this section)	All commercial districts	36 days per shopping or commercial center
Merchandise sale - outdoors or in mobile or temporary enclosures, sponsored by and on the premises of a bank, savings and loan association or credit union of merchandise typically financed by that institution in the normal course of its lending business (see subsection D of this section)	Banks, savings and loan associations and credit unions	12 days per shopping or commercial center
Real estate offices on the site of a proposed subdivision	All districts	n/a
Construction and security personnel offices on active construction sites	All districts	n/a
Temporary construction yards not located on active construction sites	All districts	n/a
Tent meetings	All districts	30
Commercial carnival, concert, exhibit, festival or similar event outdoors or in temporary enclosures	All commercial and industrial districts	14
Noncommercial carnival, fair, concert, exhibit, festival or similar; outdoors or in temporary enclosures	All districts	14
Pumpkin sales lots	All zones	30
Seasonal produce stands	All zones	120
Any other use deemed appropriate by the community development director.	All districts.	n/a
1. The community development director may extend the maximum number of days per calendar year based on special circumstances.		

- D. Special Requirement for Merchandise Sales. The following shall apply to merchandise sales or provision of services, as delineated in the Temporary Uses Table 9.02.150-3:
1. "Merchandise sale in conjunction with established businesses" means an event managed and operated by the owner or operator of a permanently established business, on the premises of that business (or upon immediately adjacent common area of a shopping or commercial center in which the business is located),

Strikeout/Underline Code Amendments

- conducting the sale, lease, rental or other transfer of control of merchandise which is inventory of the established business or the provision of services and which is of the same or similar kind and quality normally offered as immediately available to the public by that business at that business site. Sales operated by outside vendors shall not be permitted under this provision. An outdoor sale of merchandise or provision of services on the premises of a business that ordinarily only displays merchandise and/or conducts sales or lease transactions for customer delivery or provides services at another site or at another time shall not be permitted under this provision. This subsection shall not apply to “merchandise sales on the premises of a bank, [etc.],” as listed in the Temporary Uses Table.
2. Merchandise sales or provision of services sponsored and sanctioned by the Master Property Association or Property Manager for Shopping Centers, ~~which are twenty (20) acres or larger and located within the Community Commercial (CC) District,~~ shall be a maximum of thirty-six (36) days per calendar year. An outdoor sale of merchandise or provision of services on the premises of a business that ordinarily only displays merchandise and/or conducts sales or lease transactions for customer delivery or provides services at another site or at another time shall be permitted under this provision.
 3. Food and Entertainment. Upon approval of the community development director and in compliance with all other laws and regulations, food or entertainment may be sold or provided by ~~two or fewer~~ secondary vendors incidental to the merchandise sale or provision of services, such as a hot dog cart, snow cone or popcorn wagon, pony ride, inflatable jumper, etc., provided that such uses occupy not more than twenty-five (25) percent of the total space occupied by the sale or four hundred (400) square feet, whichever is less.
 4. No secondary vendors, incidental to the merchandise sale or provisions of services provided, shall conduct business without a buffer of at least two hundred (200) feet from any established business on-site that sells similar products unless written consent from either the Master Property Association, Property Manager, or established business(es), for a lesser buffer, has been presented to the city of Moreno Valley.
 5. Merchandise sales (including display areas) or provision of services shall not occupy landscaped areas or unimproved surfaces.
 6. Merchandise sales or provision of services taking place upon parking surfaces shall be confined to improved parking surfaces. Merchandise sales or provision of services shall not occupy more than twenty (20) percent of the legally required improved parking spaces for the business conducting the sale or services, unless approved by the community development director. No merchandise sale or provision of services shall occupy parking spaces legally required for another business, including other businesses located in the same shopping or commercial center, or parking spaces otherwise required for the shopping or commercial center in which the business is located. Merchandise sales or provision of services may occupy on-site improved parking spaces that are not so legally required, subject to all other provisions of this chapter. No merchandise sale or provision of services shall occupy or encumber more than one hundred twenty-five (125) parking spaces.
 7. Merchandise sales or provision of services shall not negatively affect the vehicular and pedestrian circulation patterns of the subject site or nearby streets, or the usability of the remaining parking spaces for the site, and shall allow unabated access for public safety personnel and vehicles.

Strikeout/Underline Code Amendments

8. Setup and Takedown. One day of setup before a merchandise sale and one day of takedown/cleanup after the sale shall not be counted against the total number of permitted sale days. No sales activity shall occur on such setup or takedown/cleanup days.
 9. No Use of Public Right-of-Way. Any and all personal properties or merchandise or services shall be solely contained on private property and shall not extend into the public right-of-way.
 10. Cleanup. The permittee shall be responsible for cleanup of the site within twenty-four (24) hours of termination of the event.
- E. Application Requirements. Applications for temporary use permits shall be filed a minimum of thirty (30) days prior to the date of the proposed event with the community development department. Applications must be accompanied by all appropriate fees and deposits, as determined by resolution of the city council. The application shall include, at a minimum, the following information:
1. A site plan identifying the area to be occupied, including the location of merchandise or provision of services, proposed signage, temporary structure(s) (e.g., tents, shade structures, vending stands, etc.) and all pedestrian areas, parking lot areas and/or drive aisles proposed to be closed, blocked, obstructed and/or barricaded and their proximity to major circulation aisles, public rights-of-way and buildings. The site plan shall provide proof of compliance with all requirements of applicable laws, ordinances and regulations;
 2. Written authorization from the property owner or the property owner's duly authorized agent;
 3. Written operational/environmental statement identifying the proposed dates, defining the nature of the event or use and containing such other information as the community development director or designee shall consider necessary to determine the expected effects and impacts of the event or use;
 4. Proof of all applicable city business licenses.
- F. Criteria for Permit Issuance. The community development director shall consider the following criteria in rendering a decision relative to a temporary use permit application:
1. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
 2. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
 3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;
 4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the community development director and the city traffic engineer;
 5. The property shall be posted at least ten (10) days prior to issuance of a permit for a temporary outdoor event anticipated to accommodate two thousand five hundred (2,500) or more persons on a single site;
 6. Neither the applicant nor any person actually managing or operating the temporary use shall have been in violation of any prior temporary use permit within twelve (12) months of the date of application.
- G. Conditions of Approval. In approving an application for a temporary use permit, the community development director may impose conditions that are deemed necessary to ensure that the permit will be applied in accordance with the criteria outlined above. These

Strikeout/Underline Code Amendments

conditions may involve any factors affecting the operation of the temporary use or event, and may include, but are not limited to:

1. Provision of temporary parking facilities, including vehicular ingress and egress;
2. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases and heat;
3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;
6. Provision of security and safety measures, including deputized officers if necessary, as determined by the chief of police, with all costs borne by the applicant for security and police services;
7. Regulation of signs, including without limitation, placement of any signage outside of the city limits;
8. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested;
9. Submission of a performance bond or other surety device to assure that any temporary facilities or structures used for the proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
10. Submission of a site plan indicating any information required by this section; all events, structures, equipment, merchandise and activities shall be confined to the area designated on the approved site plan for that event;
11. A requirement that the approval of the requested temporary use permit is contingent upon compliance with applicable provisions of other ordinances;
12. All noncity sponsored groups and individuals who wish to utilize city of Moreno Valley, Moreno Valley community service district (MVCSD) or redevelopment agency (RDA) facilities shall be subject to the following requirements:
 - a. Noncity sponsored groups or individuals must complete an application which includes an indemnification and hold harmless clause protecting the city and MVCSD or RDA from the lessee's activities;
 - b. Noncity sponsored groups or individuals must provide the city with evidence of adequate general liability insurance by either:
 - i. Providing the city with an original certificate of liability insurance and endorsement binder naming the city of Moreno Valley, MVCSD or RDA, where appropriate, as an additional insured,
 - ii. Participating in the city's special events insurance program if available and approved by the city manager;
13. Other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this section;
14. Timely payment of all business license fees, gross receipts taxes and sales and use taxes attributable to the temporary use.

Strikeout/Underline Code Amendments

9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.
 - a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

- b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.
 - c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac x 0.10 du/ac plus 5 ac x 0.20 du/ac).
2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.
3. Subdivision Design and Future Land Divisions.
 - a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.
 - b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or

Strikeout/Underline Code Amendments

open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.
5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	Standards
Under 40,000 s.f.	R2 district standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

B. Hillside Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.
 - a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

- b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The community development director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.
 - c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac x 0.25 du/ac plus 5 ac x 0.10 du/ac).
2. Minimum Lot Size. Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

Strikeout/Underline Code Amendments

3. Subdivision Design and Future Land Divisions.
 - a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.
 - b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.
4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.
5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	Standards
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

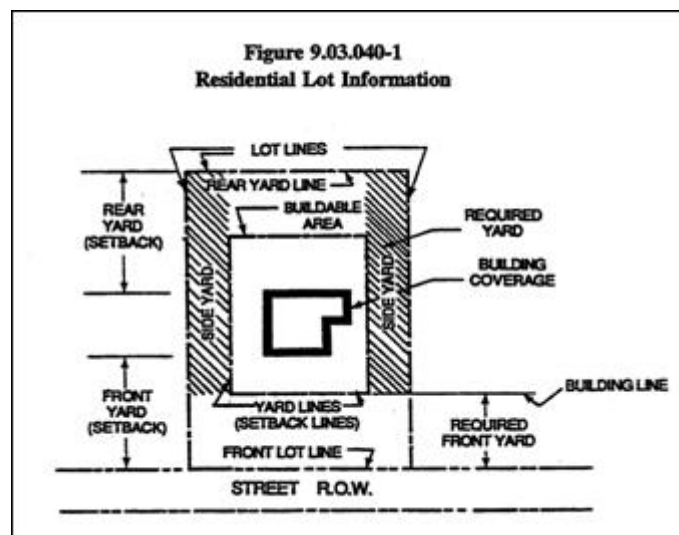
6. Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:

Slope Class	Standards
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large, padded building areas.
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

- C. Slope Calculations. For the purposes of this section, the following method will be used to determine slope.
 1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).
 2. a. For the purpose of determining the amount and location of land falling into each slope

Strikeout/Underline Code Amendments

- category, the applicant shall submit to the community development department, at the time of application, a base topographic map of the subject site prepared and signed by a registered civil engineer or licensed land surveyor. Such a map shall have a scale of not less than one inch to two hundred (200) feet and a contour interval of not more than ten (10) feet.
- b. This base topographic map shall include all adjoining properties within three hundred (300) feet of the site boundaries. Slope bands in the range of less than ten (10) percent, ten (10) to fifteen (15) percent, fifteen (15) to twenty-five (25) percent, and greater than twenty-five (25) percent shall be delineated on the topographic map. The map shall be accompanied by a tabulation of the land area in each slope category specified in acres. The exact method for computing the percent slope and area by percent slope category is to be sufficiently described and presented so that a review can readily be made.
3. Slope Mapping Method.
 - a. The percent slope of any particular piece of land shall be plotted on the map as described in this subsection.
 - b. In preparing a slope map, those portions of ravines, ridges and terraces of less area generally sloping at twenty-five (25) percent slope or greater, shall be regarded as part of the bordering twenty-five (25) percent slope or greater band.
 - D. General Residential Requirements. The following tables sets forth minimum site development standards for residential development projects in the specified residential districts. In addition, projects must comply with the special development standards enumerated in this section, the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and standards.



Strikeout/Underline Code Amendments

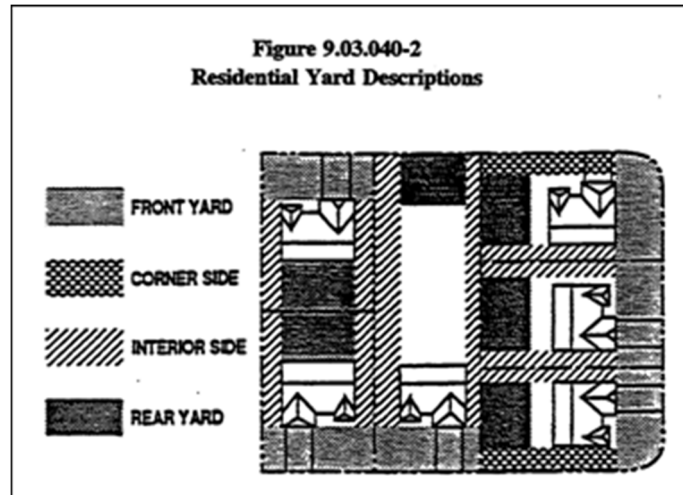


Table 9.03.040-6
Residential Site Development Standards
Single-Family Standards

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages						10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	15
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term "DUs" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040-6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.

Strikeout/Underline Code Amendments

2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.
3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.
4. The minimum front yard setback from private streets within the R1, R2 and R3 districts shall be fifty-five (55) feet measured from the center line of the street. The minimum front yard setback from private streets within the R5 district shall be fifty (50) feet measured from the center line of said street.

**Table 9.03.040-7
Residential Site Development Standards
Multifamily Standards**

Requirement	R10	R15	R20	R30
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)**	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in ft.	200	200	200	200
4. Minimum lot depth in ft.	175	175	175	175
5. Minimum front yard setback, in ft.	20	25	30	30
6. Minimum side yard setback, in ft.				
Interior side yard	10	10	10	10 ft. plus 2 ft. for every 5 ft. in height over 30 ft.
Street side yard	20	20	20	20
7. Minimum rear yard setback, in ft.	15	20	25	10 ft. plus 2 ft. for every 5 ft. in height over 30 ft.
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in ft.	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in ft. (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

** Minimum lot size only applies to newly subdivided multi-family lots; existing lots can be developed under the multi-family development standards

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.
2. In the R2, RA2, R3 and R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

Strikeout/Underline Code Amendments

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.
 4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:
 - a. Front porches;
 - b. Automatic garage door openers;
 - c. Electronic security systems.
 5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.
 6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.
 7. For all single-family residential developments in the R10, R15, R20, and R30 districts a Planned Unit Development application shall be submitted to establish the applicable development standards.
 87. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.
- F. Special Multiple-Family Residential Development Standards.
1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.
 2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.
 3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.
 4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.
 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials to include water efficient native plants, except for necessary walks and

Strikeout/Underline Code Amendments

fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with pervious surfaces where feasible to reduce run off.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.
8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.
9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.
2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.
3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.
4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.
5. Open parking areas should be clustered and treated as landscaped plazas and courts.
6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.
7. No more than four units for a two-story structure should be served by one entry.
8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.
9. Common open space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.
10. Individual units should have a porch or porch-like space at the front door.
11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.

Strikeout/Underline Code Amendments

12. Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.
13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.
14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.
15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to post office guidelines.
16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.
17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.
18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.
19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.
20. Multiple-family projects warrant special design considerations, including:
 - a. Intimate, shaded outdoor seating areas;
 - b. A network of pathways, providing interesting walking experiences;
 - c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;
 - d. Convenient and attractive access to transit, including porte cocheres, information kiosks, seating areas and water elements;
 - e. Security;
 - f. Direct ambulance access (senior housing projects);
 - g. Parking close to units;
 - h. Elevators (senior housing projects).
21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.
22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.
23. Multifamily projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.
24. Architectural features should be used to increase privacy from nearby units and common or public spaces.
25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.
26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.
27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

Strikeout/Underline Code Amendments

9.07.010(B) Downtown Center (DC).

B. Downtown Center (DC).

1. Purpose and Intent. The downtown center is envisioned as the primary hub and focal point of Moreno Valley and an economic and cultural engine in the region. The district establishes standards to foster development of a vibrant downtown center at the heart of the city to serve as a focal point of the community and destination for people from around the region. The district allows for a vibrant mix of business, entertainment, residential, cultural, and civic uses with the focus of the highest intensity of development along Nason Street. It integrates existing uses and layers compatible new land uses and public amenities together at various scales and intensities to foster a mix of uses that encourages people to live, work, play, and shop within the downtown center.
With a range of activities day and night, this thriving area will draw people and businesses to Moreno Valley and will showcase the highest quality architecture and design to rival anything in the region. The downtown center will integrate the existing hospital complexes and provide visual and physical connections to Moreno Valley College, Lake Perris, and other key destinations within the community.
Visibility is a critical design consideration for the downtown center. Design standards for development at the core of the downtown center could take advantage of the relatively flat terrain and promote higher building heights to help build visual connections from other locations within the community and enhance the prominence of the downtown center as an important destination. Additionally, public plazas and other vantage points within the downtown center should be designed to allow for view of the scenic hills surrounding the city, enhancing sense of place.
2. Property Development Standards. The downtown center zone applies primarily to parcels in the area generally bounded by Lasselle Street, Iris Avenue, Nason Street, and extending to Cottonwood Avenue at some locations. The intent is to allow for development of a downtown that will include commercial, office, vertical and horizontal mixed use, higher density multifamily development, and lower density residential on the periphery. The most intense development is expected to be focused towards Nason Street. The zone is intended to:
 - a. Ensure orderly and thorough planning and review procedures that will result in quality design;
 - b. Provide the creation and improvement of common open space and coordination of vehicular, pedestrian, and bicycle circulation;
 - c. Establish a procedure for the development of land under unified control to achieve efficient land use patterns while permitting creative and innovative approaches to the development of residential, commercial, and mixed-use in the designated DC district in order to create a central downtown business atmosphere towards Nason Street;
 - d. Encourage mixed development patterns and avoid monotony in large developments by allowing greater flexibility in selecting the means to provide access, light, open space, and amenities; and
 - e. Decrease the burden created by new development on utilities and other infrastructure systems by permitting mixed use development consistent with policies of the general plan.
3. Special Requirements. In order to implement the downtown center (DC) district general plan policies, an area plan will be required demonstrating consistency with

Strikeout/Underline Code Amendments

the principles outlined in the land use and community character (LUCC) element, Table LCC-2 and the illustrative development program shown in the LUCC element, Table LCC-3 prior to approval. For large projects, an existing or proposed specific plan may be used in lieu of an area plan. Development on smaller parcels and multifamily housing projects may satisfy this requirement with a site plan as determined by the community development director, and development of residential projects on the periphery of the downtown center may satisfy the requirement through approval of a planned unit development application.

- a. The Floating Zone Concept. A floating zone is a zone that delineates a general area where certain conditions would need to be considered before a development proposal is approved.
- b. Floating PUDs. The floating planned unit development (DC-PUD) designation allows for the development of single-family housing and less dense multifamily housing on the periphery of the downtown center. This will support development of the most intense development in proximity to Nason Street, allowing residential mixed-use projects with ground-floor commercial uses in proximity to the intersection of Nason Street and Alessandro Boulevard, and encouraging residential development greater than twenty (20) dwelling units per acre along portions of Alessandro Boulevard towards Nason Street.

The designation for the floating planned unit development zone is indicated on the official zoning map with a circle border and the letters “DC-PUD.” This symbol represents a “floating” designation and is only intended to indicate a general area within which a PUD could be located. It does not preclude other development or uses that would otherwise be permitted within the downtown center. The purpose and intent of the PUD floating zone is to provide flexibility in planning for residential development of projects.

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

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

4. Site Development Standards.
 - a. General Requirements. The following sets forth minimum site development standards for the downtown center. In addition, projects must comply with the special requirements enumerated in subsection (B)(3) of this section, the performance standards included in Chapter 9.10, and other applicable

Strikeout/Underline Code Amendments

ordinances, policies, and programs. The parking standards in Section 9.11.040 off-street parking requirements shall apply.

Downtown Center (DC) - Development Standards

Requirement	Development Standards
Block Development	Blocks over 500 feet should feature midblock connections shall as pedestrian pathways or alleys. Block sizes should range between 330 and 660 linear feet where feasible
Mid-Block Pathways	Mid-block pathways shall be no less than 16 feet wide
Buildings shall be oriented such that frontages and entrances are visible and accessible from the public right-of-way, pedestrian connections, parks, or plazas	Buildings shall be oriented such that frontages and entrances are visible and accessible from the public right-of-way, pedestrian connections, parks, or plazas
Density - Dwelling Units (Du)/Acre ^{*1}	NA (with or without affordable housing)
Minimum Site Area	As determined through area plan if required or site plan review
Minimum site width, in feet	As determined through area plan if required or site plan review
Minimum site depth, in feet	As determined through area plan if required or site plan review
Front building setback, in feet (after dedications for right-of-way) ground floor use	0—10
Side street building setback area, in feet (after dedications for right-of-way)	0—10
Interior side yard setback in feet	0—10
Rear yard setback in feet	10
Lot coverage, maximum	Pending landscape and open space requirements
Building height, in feet, maximum	None
Floor Area Ratio (FAR)	NA
Minimum Dwelling Size	*See note below
Minimum distance between buildings in feet (between residential and commercial uses)	10
Parking (surface) front street setback, in feet (after dedications for right-of-way)	10
Parking (surface) side street setback, in feet (after dedications for right-of-way)	5
Garage/Tuck-Under Parking	Prohibited along front lot lines
Underground/Podium Parking	Allowed beneath building footprints
Above Ground Parking Structure	Allowed if screened from views from public right-of-way and adjacent single family residential zones
Setback Landscaping	All setbacks exclusive of required walkways and driveways will be landscaped planting areas
Publicly Accessible Open Space (nonresidential)	15% of net lot area
Private Open Space (multifamily residential) ²	150 sq ft per unit on 1st floor, and 100 sq ft per unit on upper floors
Common Open Space (multifamily residential) ²	300 sq ft per unit

Strikeout/Underline Code Amendments

Requirement	Development Standards
Ground floor building frontages clear glazing material	60%
Ground floor-to-ceiling minimum height in feet	15—20
<u>Notes:</u> <u>1. Minimum Dwelling Unit Sizes.</u> <u>a. Studio and One Bedroom: four hundred fifty (450) square feet;</u> <u>b. Two Bedroom: eight hundred (800) square feet;</u> <u>c. Three Bedroom: one thousand (1,000) square feet.</u> <u>2. The Planning Commission may modify minimum open space requirements.</u>	

~~*Note: Minimum Dwelling Unit Sizes.~~

- ~~a. Studio and One Bedroom: four hundred fifty (450) square feet;~~
~~b. Two Bedroom: eight hundred (800) square feet;~~
~~c. Three Bedroom: one thousand (1,000) square feet.~~

Strikeout/Underline Code Amendments

9.08.070 Fences and walls.

- A. General Provisions.
1. No fence or wall shall be placed in a manner that would deter the fire department from immediately discerning and gaining access to any fire hydrant or other fire protection device. Fences and walls shall be located to maintain a minimum of three feet of clearance around the circumference of any fire hydrant.
 2. No fence or wall shall be placed within a city right-of-way without approval of an encroachment permit by the city engineer for such fence or wall.
 3. Nothing in this section shall be construed to supersede more restrictive provisions of Chapter 8.21 of the municipal code (Grading Regulations), the International Building Code or the International Fire Code.
 4. An open fence or wall, as used in this section, means any fence or wall for which at least seventy-five (75) percent of that portion which is above three feet in height consists of openings that provide visibility and allow the passage of light and air. All other fences and walls are considered solid.
 5. All fences and walls shall comply with the sight distance requirements for traffic safety in accordance with the California Department of Transportation Highway Design Manual.
 6. Required Walls and Fences along Moreno Valley Freeway (California State Highway 60)
 - a. Development projects adjacent to the Moreno Valley Freeway (California State Highway 60) right-of-way shall construct either a split-face block wall or tubular steel fence along the property line abutting freeway right-of-way.
 - b. The split-face block wall or tubular steel fence shall be eight feet (8') tall measured from the highest adjacent grade (property in question or freeway right-of-way).
 - c. Projects with frontage along City right-of-way abutting the Moreno Valley Freeway (California State Highway 60) right-of-way shall install walls and/or fencing along the limits of the right-of-way. The Public works director or their designee may require a fee in-lieu or may waive this requirement.
 - d. Wall heights may be increased subject to the recommendations of a property specific noise study and concurrence by the Community Development Director or their designee.
- B. Fences and Walls in Residential Developments.
1. In required front yards of residential developments:
 - a. Any solid fence or wall located outside of vehicle lines-of-sight at street intersections shall not exceed three feet in height and any open fence or wall shall not exceed six feet in height. The height of such fences and walls shall be measured from the finished grade at the bottom of the fence or wall;
 - b. Retaining walls up to three feet in height are allowed within any front yard. In the case of a retaining wall that faces the exterior of the property on which it is located, an open fence up to three feet in height may be built directly on top of the retaining wall (See Figure 9.08.070-1). In the case of a retaining wall that faces the interior of the property on which it is located, a solid fence or wall up to three feet in height, or an open fence up to six

Strikeout/Underline Code Amendments

- feet in height, may be built directly on top of the retaining wall (See Figure 9.08.070-2);
- c. Fences and walls located in front yards shall be decorative and made of durable materials, including masonry, wood pickets, tubular metal or other materials, as approved by the community development director.
2. In required side and rear yards of residential developments:
 - a. Height.
 - i. Except as described below, a wall or fence along any side yard or rear yard shall not exceed six feet in height, as measured from the finished grade.
 - ii. The height of a wall or fence along the side or rear yard may exceed six feet if the difference in elevation between adjoining sites warrants such increase to maintain the effectiveness of screening that is generally provided by six-foot walls and fences, provided that the height of such wall or fence does not exceed eight feet (See Figure 9.08.070-3).
 - iii. The height of a wall or fence along any side or rear yard may exceed six feet if the decision-making body determines that the additional height is needed to mitigate noise impacts or provide screening from adjoining arterial streets, freeways, or nonresidential uses (see Section 9.08.150 of this chapter). Any such wall or fence shall not exceed the height necessary to mitigate noise and screen undesirable views.
 - b. Retaining Walls and Combinations of Retaining Walls and Nonretaining Fences.
 - i. Retaining walls within any side yard or rear yard shall not exceed six feet in height, except where they are located on the boundary between two residential parcels, in which case they shall not exceed three feet in height. The combined height of retaining wall, wall and or fence shall not exceed eight feet of solid surface (See Figure 9.08.070-4).
 - ii. A six-foot high retaining wall may be placed three feet or more from the side or rear property line (See Figure 9.08.070-5).
 - iii. No two retaining walls on a given slope shall be closer to each other than the height of the taller wall, except as described below.
 - iv. In the case of a retaining wall that faces a street or other public viewpoint, a nonretaining fence or nonretaining wall may be erected above (either up-slope or directly on top) such retaining wall if their solid surfaces, when added together, do not exceed eight feet in height, and the combined surface area of solid and open fencing shall not exceed twelve (12) feet in height subject to approval by the community development director. For example, a four-foot decorative metal rail fence may be placed above a two-foot wall and a six-foot retaining wall (See Figure 9.08.070-6).
 - c. Fence and Wall Design.
 - i. Side Yards and Rear Yards Adjacent to Residential Parcels. Fences and walls located between residential parcels shall be constructed of wood, decorative metal rail, decorative block or other durable materials, as approved by the community development director.

Strikeout/Underline Code Amendments

- ii. Side and Rear Yards Adjacent to Streets, Freeways and Other Rights-of-Way. Fences and walls placed between lots and adjoining rights-of-way shall be constructed of decorative metal rail, decorative block or other decorative and durable materials, as approved by the community development director. Where practical, such fences and walls shall incorporate landscaping, earth berms and changes in materials or texture to reduce visible wall height, deter graffiti and add visual interest. Except where the community development director determines that screening is needed, open walls and fences shall be placed at the top of slopes that are six or more feet above any adjoining right-of-way to provide view opportunities and minimize wall height.
 - iii. Side and Rear Yards Adjacent to Open Space Areas. Except where the community development director determines that screening is needed, open walls and fences shall be placed along side and rear yards that are adjacent to open space areas.
 - iv. View Lots. Except where the community development director determines that screening is needed open walls and fences shall be placed along side and rear yards that are fifteen (15) or more feet above the pad height of the adjacent residential lot.
- C. Fences and Walls in Nonresidential Developments.
1. In any required front or street side building setback area, a wall or fence shall not exceed three feet in height, as measured from the road grade nearest the property line.
 2. Walls for the purpose of visual screening and sound attenuation shall be required between nonresidential activities and any adjacent residential use or residentially zoned property, or where more sensitive adjacent land uses exist. The height, placement and design of such walls shall be considered on a site-specific basis considering the need for sound attenuation or visual screening.
 3. Unless otherwise required pursuant to subsection (B)(2) of this section, walls and fences in any required rear or interior side setback area shall not exceed six feet in height.

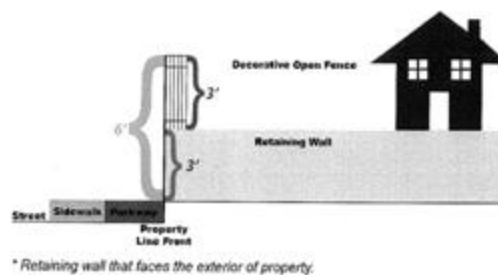


Figure 9.08.070-1

Strikeout/Underline Code Amendments

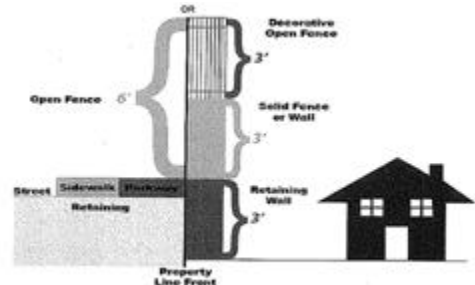


Figure 9.08.070-2

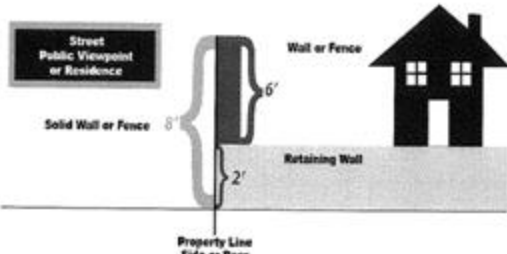


Figure 9.08.070-3

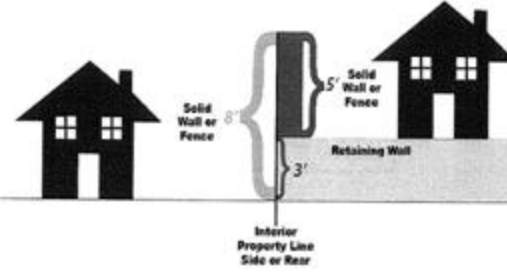


Figure 9.08.070-4

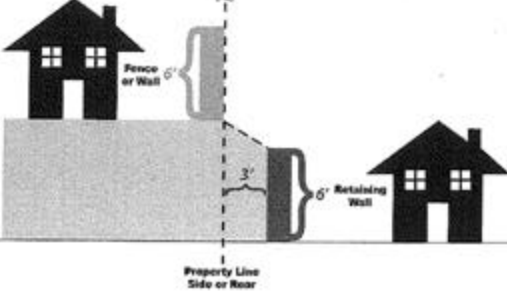


Figure 9.08.070-5

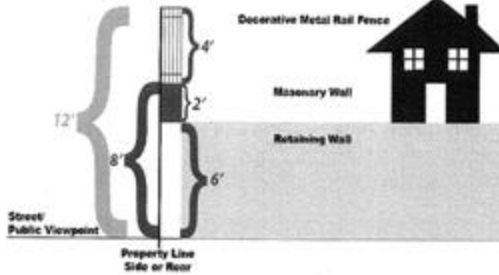


Figure 9.08.070-6

Attachment: Strikeout/Underline Draft Amendments [Revision 2] (5984 : Winter Omnibus Code Amendment 2022)

Strikeout/Underline Code Amendments

9.09.080 Drive-in, drive-through, fast food and take-out restaurants.

- A. Purpose and Intent. The purpose of this section is to ensure that drive-in, drive-through, fast food and take-out restaurants do not result in adverse impacts on surrounding neighborhoods by reason of customer and employee parking demand, traffic generation, noise, light, litter, or cumulative impact of such demands in one area, consistent with the goals, objectives and policies of the general plan.
- B. Applicability. Drive-in, drive-through, fast food, or take-out restaurants may be permitted subject to the standards of the underlying district and special conditions listed below. The provisions of this section shall apply to all drive-in, drive-through, fast food and take-out restaurants constructed or the use of which commenced after the effective date of this title and to any expansion of more than twenty (20) percent of the gross floor area or increase of more than twenty-five (25) percent of the number of seats in any such restaurant in use prior to the effective date of this title. Floor area added for the purpose of compliance with state or local health laws or access requirements of the disabled shall not be included in floor area calculations for purposes of determining applicability of this section.
- C. Minimum Development Standards. The following minimum development standards shall apply to all drive-in, drive-through, fast food and take-out restaurants.
1. Hours of Operation. When located on a site adjacent to, or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast food or take-out restaurant shall not open prior to six a.m., nor remain open after ten p.m. unless extended hours are specifically approved by the planning commission.
 2. Driveways. Drive-in and drive-through restaurants sites shall have two points of ingress and/or egress.
 3. Queuing. Drive-up and drive-through restaurants shall have a capacity for queuing a minimum of eight vehicles awaiting service. Queuing area shall not interfere with on- or off-site circulation patterns and shall be reviewed and approved by the city traffic engineer prior to issuance of a building permit.
 4. Parking. A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the city traffic engineer prior to approval of a conditional use permit.
 5. Trash Receptacle. A minimum of one outdoor trash receptacle shall be provided on-site. At least one additional on-site outdoor trash receptacle shall be provided for every ten (10) required parking spaces.
 6. Noise. Any drive-up or drive-through speaker system shall not be detectable above ~~daytime~~ ambient noise levels beyond the property boundaries. The system shall ~~be designed incorporate best available technology to~~ compensate for ambient noise levels ~~in the immediate area, and shall not be located within one hundred (100) feet of any residential district or any property used for residential uses.~~

Strikeout/Underline Code Amendments

9.11.040 Off-street parking requirements.

A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:

**Table 9.11.040A-12
Off-Street Parking Requirements**

Residential Uses	Requirement	Covered Parking	Notes
Single-family	2/unit	Within an enclosed garage	
Accessory dwelling unit	1/bedroom		The accessory dwelling unit shall provide a minimum of one parking space per bedroom in addition to the parking required for the main dwelling, except as exempted by state law (refer to Section 9.09.130 Accessory dwelling units). Spaces may be provided as uncovered and/or tandem parking on a driveway.
Duplex ¹	2/unit	Within an enclosed garage	
3 or more units: ¹ Studio 1 bedroom 2 bedrooms 3+ bedrooms	1.25/unit 1.5/unit 2.0/unit 2.5/unit	1 covered/unit 1 covered/unit 1 covered/unit 2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Senior housing: ¹ Studio 1 bedroom + bedrooms	1.0/unit 1.25/unit 1.5/unit	1 covered/unit 1 covered/unit 1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.
Residential care homes ¹	Parking requirements shall be determined by the community development director subject to an approved parking study.		
Live-work units (residential component)	2/unit	2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is NOT included in the minimum required parking standard and can be shared with the business aspect of the "live-work" parking standard.

Strikeout/Underline Code Amendments

Residential Uses	Requirement	Covered Parking	Notes
Residential component of mixed-use project ¹	See multiple-family requirements in this table	See multiple-family requirements in this table	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard and may be shared with the nonresidential component. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
General Note:			
1. <u>Required Parking for tenants and guests shall not be rented separately from dwelling units.</u>			

**Table 9.11.040B-12
Off-Street Parking Requirements**

Commercial Uses	Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public. 2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like).
Automobile washing and waxing establishments: Self-serve Automated	2 spaces + 2/washing stall 10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand-alone use. No additional parking required if outdoor dining area comprises no more than 15% of the interior gross floor area of the primary food service use; if outdoor dining area is over 15%, 1 space for every 60 sq. ft. or 1 space for every 3 seats, whichever is greater.
Eating and drinking establishments within shopping centers of 25,000 sq. ft. of building area or greater	1/225 sq. ft. of gross floor area up to 15% of the shopping center gross building square footage	
Hotel/motel	1/guest room	

Strikeout/Underline Code Amendments

Commercial Uses	Requirement	Notes
Kennels	2 spaces/1,000 sq. ft.	2 spaces/1,000 sq. ft. of indoor animal enclosure.
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space/2 work stations	
Schools, private: Business and trade College Elementary/junior high Senior high	10 spaces + 24/classroom 10 spaces + 30/classroom 10 spaces + 2/classroom 10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum.
Medical and health services: Convalescent and nursing homes Homeless shelter Hospitals Residential care facilities	1/3 beds 1/4 beds 1/bed see Residential Uses, Section 9.11.040 Table 9.11.040A-12	
Recreation: Arcades Bowling and billiards Commercial stables Golf course Golf driving range Golf, miniature Health club Parks—public and private Skating rink Tennis, handball and racquetball facilities	1/75 sq. ft. of gross floor area 5/alley + 2/billiard table 1/5 horse capacity for boarding on-site 6/hole 1/tee 3/hole 1/100 sq. ft. of gross floor area To be determined by the approval authority based upon an approved parking study. 1/100 sq. ft. of gross floor area 3/court	
Theaters	1/3 fixed seats	

**Table 9.11.040C-12
Off-Street Parking Requirements**

Industrial Uses	Requirement	Notes
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to the loading parking stall already provided at the dock door.
Research and development	1/350 sq. ft. of gross floor area	
Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	

**Table 9.11.040D-12
Off-Street Parking Requirements**

Strikeout/Underline Code Amendments

Public and Quasi-Public Uses	Requirement	Notes
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.
2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.
3. Accessible parking spaces for other uses shall be provided at the following rates:

No. of Automobile Spaces Provided	No. of Accessible Spaces Provided
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

Strikeout/Underline Code Amendments

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.
 6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
 7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.
 8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.
 9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.
 10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein.
- C. Low Emitting Fuel Efficient Carpool/Vanpool Vehicle Parking. Eight percent of required parking shall be designated for any combination of low-emitting, fuel efficient and carpool/vanpool vehicles for all new nonresidential development.
- D. Parking requirements for religious institution affiliated housing development projects (RIAHD).
1. Notwithstanding any provisions of this Title or any adopted specific plan to the contrary, the parking requirements for a religious institution affiliated housing development project are subject to the provisions of Government Code section 65913.6, as amended.
 2. Religious institution affiliated housing development project” (RIAHD) is defined as a housing development project that meets all of the following requirements:
 - a. The housing development project is located on one or more contiguous parcels that are each owned, entirely, whether directly or through a wholly owned company or corporation, by a religious institution.
 - b. The housing development project qualifies as being near collocated religious-use parking by being on or adjacent to a parcel with religious-use parking or by being located within one-tenth of a mile of a parcel that contains religious-use parking.
 - c. Qualifies for a density bonus under Government Code section 65915.
 3. Allows up to 50 percent elimination of total religious-use parking spaces available for a

Strikeout/Underline Code Amendments

- Religious Institution Affiliated Housing Development project.
4. No replacement requirement of religious-use parking spaces for a Religious Institution Affiliated Housing Development project proposes to eliminate, provided the reduction does not exceed 50 percent.
 5. Allows the remaining religious-use parking spaces to count toward number of parking spaces required for the Religious Institution Affiliated Housing Development project.
 6. Prohibits the reduction in parking spaces from reducing the minimum parking standards below one space per unit unless the Religious Institution Affiliated Housing Development project is within one-half mile of a high-quality transit corridor or a major transit stop, or a car share vehicle within one block of parcel.
 - a. High-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
 - b. Major transit stop includes existing rail or bus rapid transit station, ferry terminal served by either bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - c. Car sharing means a model of vehicle rental where users can rent vehicles for short periods of time and users are members that have been preapproved to drive.

Strikeout/Underline Code Amendments

9.14.065 Finance and conveyance maps.

A. Purpose and Intent.

1. The purpose of this chapter is to set forth the process of tentative maps for financing and/or conveyance purposes only, and does not create legal building sites upon which new development may occur. It is not the intent of the finance and/or conveyance map to create any legal building site(s), and a future subdivision map shall be required in accordance with this Chapter, and the subdivision map act, in order for any development to occur.

2A. This criteria shall govern the filing and processing of tentative maps for finance and/or conveyance purposes. Applications for finance and/or conveyance maps (collectively referred to as “financing maps”) may only be accepted under one of the following criteria:

- a1. The site to be subdivided by the map is already developed, and the proposed map will not create legal building sites upon which new development may occur; or
- b2. A future map for development purposes must be processed and recorded in order for any development on the site to occur, and this fact is clearly stated on the face of the map; or
- c3. An approved conditional use permit, master plan, or master Plot Plan is approved for the site, has not expired, and all conditions of approval, expected exactions, and mitigation measures associated with the underlying approval(s) shall be implemented as previously prescribed, or as properly modified, for any development on the property to occur.

B. Definition.

1. A “finance and/or conveyance map”, sometimes “financing maps”, is a map used to parcelize, for finance and/or conveyance purposes only, undivided land, existing parcel maps, and/or existing tract maps for reasons other than physical development of the property.

CB. Filing Instructions. Finance and/or conveyance maps are filed with the Community Development Department, 14177 Frederick Street, Moreno Valley, California, 92552. Application forms are available at the community development department or may be obtained on-line at www.moval.org, or by contacting the planning division at (951) 413-3206.

DC. Submittal Requirements. The form, content and supplementary information that must accompany a finance and conveyance map shall conform to the submittal requirements for tentative maps set forth in Section 9.14.040 of this code except as hereafter provided.

- 1. Notwithstanding the requirements set forth in Section 9.14.040, the director of community development or designee may waive the following requirements in writing if requested in advance by the applicant:
 - a. Internal streets and access ways within the boundary of the map (with concurrence of the city engineer);
 - b. Dimensions and location of sidewalks and common areas;
 - c. Soils and geology report;
 - d. Regional housing needs statement; and/or
 - e. Other submittal requirements set forth in Chapter 9.14, Land Divisions, or the Subdivision Map Act, provided, the city engineer determines in advance, that the proposed map continues to comply with the spirit and intent of the Subdivision Map Act, the Subdivision Ordinance, and these subdivision regulations.

Strikeout/Underline Code Amendments

2. The following statement must be clearly printed on the face of the proposed financing map: “FOR FINANCE AND CONVEYANCE PURPOSES ONLY.”
 3. If a future map is required for any development, the face of the map must include the following additional statement: “THIS MAP DOES **NOT** CREATE A LEGAL BUILDING SITE. FURTHER APPLICATIONS ARE NECESSARY TO DEVELOP THIS PROPERTY.”
 4. If a previously approved tentative map, vesting tentative map, or conditional use permit is in place on the property, the face of the map must include the following additional statement in addition to the statement required in subsection (C)(2): “THIS MAP DOES NOT REMOVE ANY DEVELOPMENT REQUIREMENTS SET FORTH WITH APPROVAL OF {insert case number(s)}, WHICH MUST BE SATISFIED WITH CONTINUED DEVELOPMENT OF THE PROPERTY.”
- ED. Review Procedure. Except as otherwise noted herein, finance maps shall be processed in the same manner and shall be subject to the same requirements as specified for tentative maps in Section 9.14.050 of the municipal code. The community development department will distribute copies of the financing map to the appropriate reviewing bodies to determine whether the map conforms to the requirements of this chapter, and the Subdivision Map Act. These reviewing bodies are set forth in Section 9.14.050(C) of this chapter.
- FE. Approval Process.
1. Criteria. The advisory agency reviewing authority shall base its decision to approve, conditionally approve, or disapprove the proposed financing map on the information required under this chapter, and any additional information reasonably necessary to determine that the property covered by the map can be feasibly developed under the existing zoning and general plan designations for the site. At a minimum, the advisory agency/reviewing authority must ensure the following:
 - a. The parcel (or parcels) of land covered by the map meet the minimum size requirements to ensure that future development can meet all applicable site development standards imposed by Title 9 of the municipal code.
 - b. The parcel (or parcels) of land have access from a public road, or access is both feasible and required by a condition of approval for the proposed map.
 - c. The parcel lines do not conflict with any public easements.
 - d. There are not physical constraints or other issues which may affect the feasibility of future development on the site (e.g., vehicular access, utility service extensions). If necessary in order to adequately evaluate the map, additional technical studies (e.g., access study) should be required prior to finding the application complete.
 - e. The map provides sufficient information on future uses and feasibility of future uses to ensure consistency with the general plan and zoning designations for the site.
 - f. The site is suitable for the future permitted or proposed uses.
 - g. The map provides sufficient information on the subdivision design and future improvements to evaluate its potential impact on the environment in compliance with the California Environmental Quality Act.
 - h. There is sufficient information on the subdivision design and future improvements to enable the city to determine whether the map complies with applicable water quality standards, particularly with respect to future discharge of waste into the sewer system.

Strikeout/Underline Code Amendments

2. Findings. A tentative map for finance and conveyance purposes shall be approved or conditionally approved only if the advisory agency can make the following findings:
 - a. That the proposed map is consistent with applicable general and specific plans and the zoning ordinance.
 - b. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - c. That the site is physically suitable for the type of development.
 - d. That the site is physically suitable for the proposed density of development.
 - e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.
 - g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
 - h. That the requirements of the California Environmental Quality Act have been satisfied.

GF. Mandatory Conditions of Approval. In addition to the standard subdivision conditions of approval applied to all maps for development purposes, the following shall apply to all financing maps:

1. Any submittal requirements which were waived in connection with the financing map in accordance with subsection (C)(1) shall be submitted concurrently with the first discretionary application for development of the property covered by the map (i.e., with an application for a future map, a conditional use permit, or master plan), or shall be submitted as prescribed by conditions of approval already in place with underlying entitlement approvals that govern continued or subsequent development of the property as described on the face of the map per subsection (C)(4).
2. This map is approved for finance and land conveyance purposes only. No applications for building or grading permits shall be accepted for the parcel or parcels created by this map until a (future map/conditional use permit/master plan) for development has been approved by the city, or as prescribed by conditions of approval already in place with underlying entitlement approval that govern continued or subsequent development of the property as described on the face of the map per subsection (C)(4).

Strikeout/Underline Code Amendments

9.14.090 Final land division maps.

- A. General. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a final map thereof prepared in accordance with the current city standards and the approved or conditionally approved tentative map.
- B. Subdivision Boundary Plat Requirements.
 - 1. Surveys made in preparation of final land division maps shall be in accordance with standard practices and principles of surveying and all applicable provisions of the Subdivision Map Act.
 - 2. Before the final map of a subdivision will be accepted by the city engineer for checking, the land divider shall submit and obtain approval by the city engineer of a map showing:
 - a. A boundary survey of the land division, including all courses and distances necessary to compute a closure;
 - b. Sufficient data to prove the method by which the boundary was determined, including a description of all corners found or set, adjoining maps or property lines of record.
 - 3. The city engineer may waive the boundary plat if sufficient survey information is of record.
 - 4. Whenever the city engineer has established the centerline of a street, that data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated. The final map shall show city and county boundaries adjoining the division of land.
- C. Preliminary Filing of Final Subdivision Map.
 - 1. When a boundary survey map is approved or waived by the city engineer, the subdivider may then file his final map for preliminary checking in the office of the city engineer. The quantity of the number of positive prints shall be determined by the city engineer.
 - 2. The final map shall be accompanied by the following:
 - a. Map checking fee, as set by the city council;
 - b. Any additional data, as determined by the city engineer.
 - 3. Proposed improvement plans shall be submitted and accompanied with the plan checking fee, as set by the city council.
 - 4. Prior to the recordation of the final map, the following items shall be provided and approved:
 - a. A copy of the approved conditions, covenants and restrictions (CC&Rs) that are to be recorded with the final map;
 - b. Evidence of title in the form of a current preliminary title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on a final land division map, a subdivision guarantee shall be issued by a California title company. The consent of the owner or owners of any contingent reversionary interest in the lands to be subdivided is not necessary and need not be named in the guarantee of title;
 - c. All requests for waivers of signatures as provided in the Subdivision Map Act;

Strikeout/Underline Code Amendments

- d. Utility Plans.
 - i. An original and three positive prints of each map showing the proposed water distribution and sewage collection systems, signed by a registered civil engineer and the water and sewer purveyors. Each system shall comply with all applicable state and county and city regulations. The city fire prevention officer shall also sign the water plans when conditions include fire protection, and
 - ii. Letters from other utility purveyors that will serve the land division certifying that satisfactory provisions have been made with each of the public utility purveyors as to location of their facilities and construction thereof.
- D. Preliminary Filing of Final Parcel Map. After a tentative parcel map is approved, the land divider may cause a final parcel map to be prepared and submitted to the city engineer. The land divider shall submit the following:
 - 1. A number of positive prints of the final parcel map, as determined by the city engineer with plan checking fee, as set by the city council;
 - 2. All required improvement plans with plan checking fee, as set by the city council; and
 - 3. Evidence of title in the form of a current preliminary title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests herein. In the event that any dedication is to be made for public use of any property shown on a final parcel map, a subdivision guarantee shall be issued by a California title company.
- E. Data Required—Final Land Division Maps.
 - 1. Final subdivision and parcel maps shall conform to all of the following provisions:
 - a. Each map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or good quality polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque material when recommended by the city engineer and authorized by the county recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch;
 - b. Each map, including each sheet of a multisheet map shall bear the number as assigned by the Riverside County road department or other proper official which shall be followed by a subtitle consisting of a general description of all the property being divided by reference to record maps, and to section surveys or ranchos. Reference shall be spelled out and worded identically with original records, with complete reference to proper book and page of record;
 - c. All sheets shall be numbered, the relation of one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet. An adequate number of sheets shall be submitted to clearly present all pertinent data;
 - d. A location map shall be placed on the final map which indicates the location of the proposed land division and its relationship to existing streets and highways;

Strikeout/Underline Code Amendments

- e. The certificates and acknowledgements, required by the Subdivision Map Act and this title, shall appear on the first sheet only. "Certificates" shall include the following:
- i. Owner's certificate,
 - ii. Trustee's certificate,
 - iii. Recorder's certificate,
 - iv. Surveyor's/engineer's certificate,
 - v. City engineer's certificate,
 - vi. City clerk's certificate,
 - vii. Tax collector's certificate,
 - viii. Tax bond certificate (as appropriate).
- The first sheet shall also include: (1) signature omissions (relating to oil, gas or mineral rights) and (2) notice of election by land divider to defer payment of drainage fees. If needed, the second map sheet may be used for notary acknowledgements. In no case shall the certificates noted above be placed on the second sheet of a multisheet map;
- f. The recorder's certificate shall be placed in the upper right-hand corner of the map or in the upper right-hand corner of the first sheet only of multisheet maps;
- g. The surveyor's or engineer's certificate shall state that the survey was made by him or under his direction, that the survey is true and complete as shown, that all monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced, that the map conforms to the approved tentative map and conditions of approval thereof, and that all provisions of the applicable state and local ordinances have been complied with;
- h. The number, scale, north point and sheet number shall be shown on each sheet of the map. The map shall be drawn at a suitable engineer's scale to identify and describe all essential details clearly. If more than two map sheets are used, an index showing the division of land, with lots numbered as shown on the map, shall be shown. A complete boundary survey shall be shown on one sheet of every phase of a unitized subdivision. Such boundary shall also reflect the original boundary as shown on the tentative map of the subdivision;
- i. A land division name shall not be shown on the map;
- j. The exterior boundary of the land shown on a land division map shall be indicated by a distinctive delineation and clearly designated;
- k. A statement labeled surveyor's notes or engineer's notes shall be shown on the first map sheet after the signature sheet of a multisheet map. The statement shall include the basis of bearings; the monuments that were found; the monuments and points that were set, with reference to city standards; and a key to the symbols and abbreviations and such other information required by the city engineer;
- l. Lots shall be numbered consecutively, commencing with the number "1," with no omissions or duplications. Each lot shall be shown in its entirety on one sheet. Lots used for streets, alleys or barrier strips shall be lettered. Easements shall be clearly identified; and
- m. Where a part-width street is shown on a map, the centerline of the improvements shall be monumented and shown correctly, as related to the full future width of the street.

Strikeout/Underline Code Amendments

2. The following data shall be shown on each final subdivision and parcel map:
 - a. Dates of survey and the name and registration number of the person authorized to practice land surveying by the state of California and who is responsible for the preparation of the map;
 - b. Locations and names (without abbreviations) of all adjoining, existing and proposed streets and the location of alleys. Proposed public area and easements shall also be identified;
 - c. Gross area of land division, and the net acreage, computed to the nearest .01 acres, on all lots containing one acre or more. Lot lines shall be shown by solid lines;
 - d. Centerlines of all streets and lengths, tangent, radius and central angle or radial bearings on all points on curves and the bearings of radial lines to each lot corner on a curve; the width of each street, the width of the portion being dedicated and the width of existing dedications; and the widths of right-of-way of railroads, flood control or drainage channels and other easements appearing on the map;
 - e. Sufficient data to determine readily the bearing and length of each line. Recorded survey data as required by the city engineer;
 - f. Sufficient primary survey control points;
 - g. Ties to and recording references to adjacent record maps and to section corners, quarter section corners and also to section lines and quarter section lines when adjacent or within the map;
 - h. Centerline data and width of all easements to which the division of land is subject. If the easements are not definitely located by record, a statement as to the easement shall appear on the title sheet of the land division. Distances and bearings on the side lines of lots which are cut by an easement shall be so shown as to indicate clearly the actual location. Alignment data alongside lot lines of easements shall be provided when not controlled by paralleling lines or centerline. The easement shall be clearly labeled and identified and, if already on record, proper reference to the records given. Easements dedicated in land divisions shall be included in the owner's certificate of dedication. Easements shall be shown on the map by broken lines;
 - i. Clear indication of stakes, monuments or other evidence found on the ground to determine the boundaries of the tract, data to determine physical description, size, ground position, tag number and record reference of survey markers; untagged monuments accepted as control shall be tagged or replaced by the surveyor or engineer making the survey;
 - j. No setback lines shall appear on the final map;
 - k. New street names shown on a land division map must be approved by the city engineer;
 - l. When an environmental constraint sheet is required, a note shall be placed below the surveyor's notes on the final map in one-fourth inch high bold block letters, stating:
 ENVIRONMENTAL CONSTRAINT NOTE: Environmental constraint sheet affecting this map is on file in the Office of the City Engineer. This affects Lot Nos. _____ or Parcel No. _____.
 and
 - m. The basis of bearings must be between two found monuments of one record map survey plat or right-of-way map on file and approved by the county surveyor or the city engineer. Replacement monuments may be

Strikeout/Underline Code Amendments

used if the position of the original monuments have been preserved by cross-ties or swing ties acceptable to the city engineer. The bearing and distance of the reference line shall be shown on the map and if the distance is also of record it shall be so stated. If a basis of bearing is not available from a record map then a basis will be, as determined by the city engineer.

- F. Parcel Maps Compiled from Recorded Data. A parcel map of four or less parcels may be compiled from recorded or filed data, if such data is acceptable to the city engineer.
- G. Filing of Final Land Division Maps.
1. After the preliminary final land division map is determined to be correct, the city engineer shall notify the land divider to prepare and submit the original and duplicate original of the final map together with all required agreements for improvements and securities and all other required documents as may be necessary for consideration of the final map. If the final land division map or documents are not determined complete by the city engineer, they shall be returned to the land divider for corrections.
 2. The original and duplicate original map shall be inscribed on polyester base film, including the required signatures, and shall meet the requirement of the city engineer.
- H. Action by the City Engineer.
1. When a Schedule "A," "B," "C," ~~or "D," "E," "F," "G," "H" or "I"~~ final ~~tract land division~~ map and all agreements, securities and other required documents have been submitted and found to be in correct form, the city engineer shall, within twenty (20) days thereafter, file the final map and documents with the city clerk and certify that:
 - a. He or she has examined the map;
 - b. The land division as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof;
 - c. All provisions of the Subdivision Map Act and all city ordinances applicable at the time of approval of the tentative map have been complied with;
 - d. He or she is satisfied that the map is technically correct; and
 - e. In the certificate, the city engineer shall state the date of approval of the tentative map and the date of expiration.
 2. When a Schedule "E," "F," "G," "H," or "I" final parcel map and all agreements, securities and other required documents have been submitted and found to be in correct form, the City Engineer shall, within 20 days thereafter, approve the map if it conforms to all the requirements of the Subdivision Map Act and this ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or, if it does not so conform, disapprove the map; provided, however, that the final map shall not be disapproved due to technical or inadvertent errors which in the opinion of the City Engineer do not materially affect the validity of the map. When the map is approved, the City Engineer may accept or reject dedications and offers of dedication that are made by certificate on such map, and may sign the certificate for the City. The City Engineer shall file the approved map and documents with the City Clerk.
- I. Action by the City Council. The city council, upon filing of a Schedule "A," "B," "C," "D," "E," "F," "G," "H" or "I" map, shall at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of the Subdivision Map Act and this title applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or if it does not so conform, disapprove the map; provided, however, that the

Strikeout/Underline Code Amendments

- final map shall not be disapproved due to technical or inadvertent errors which in the opinion of the city engineer do not materially affect the validity of the map.
- J. Surveys and Monuments.
1. At the time of making the survey for a final land division map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code and also comply with city standards.
 2. All monuments for final land division maps containing five or more lots, and all Schedule "E" maps regardless of the amount of lots shown on the map, shall be set prior to the recordation of the map unless the land divider executes a secured agreement guaranteeing the setting of the monuments.
 3. All monuments for final land division maps containing four or less lots, except Schedule "E" maps, shall be set prior to the recordation of the map.
- K. Delivery of Final Map to the Recorder.
1. Upon approval by the city council, the city clerk shall certify that all required certificates, security and deposits have been filed and shall transmit the final map to the recorder.
 2. The land developer shall present to the recorder evidence that, at the time of the filing of a final map, the parties consenting to the filing are all of the parties having a record title interest in the real property being divided whose signatures are required, as shown by the records in the office of the recorder; otherwise, the map shall not be filed.
 3. The recorder shall have not more than ten (10) days within which to examine the final land division map and either accept or reject it for filing.
 4. If the recorder accepts the map for filing, such acceptance shall be certified on the face thereof.
 5. The recorder, upon filing the final subdivision map or parcel map, shall attach the recording data to the polyester type film duplicate original and thereupon deliver the same to the city engineer who shall retain custody thereof.
- L. Waived Maps.
1. The waiver of a final map shall only be approved by the city engineer based on the required findings pursuant to Section 66428(b) of the Subdivision Map Act. To allow a waiver, the city engineer shall first determine that the proposed division of land complies with city requirements with respect to area, improvements and design, floodwaters and drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or city ordinances.
 2. The requirement for a tentative parcel map may be waived by the community development director if it is determined by the city engineer that the land division meets the requirements herein for approval of a waiver of the final parcel map and a request for waiver of the tentative parcel map accompanies the request for waiver of the final parcel map.
 3. When a final parcel map has been waived, the city engineer shall distribute copies of the certificate of compliance and waiver of the parcel map to the community development department and file a certificate of compliance with the recorder's office upon payment of the fee set per the city council.
- M. Certificate of Correction of Final Maps. After a final map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by a certificate of correction.
1. Application. The land divider may apply for a certificate of correction upon finding that one or more of the following conditions apply:

Strikeout/Underline Code Amendments

- a. To correct an error in any course or distance shown thereon;
 - b. To show any course or distance that was omitted therefrom;
 - c. To correct an error in the description of the real property shown on the map;
 - d. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
 - e. To show the proper location or character of any monument which has been changed in location or character and originally was shown at the wrong location or incorrectly as to its character; or
 - f. To correct any other type of map error or omission as approved by the city engineer which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps. As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.
2. The application for a certificate of correction shall be made to the city engineer upon payment of fees set by the city council and on the forms provided by the city engineer and shall include such information, as required by the city engineer in addition to the following:
 - a. The certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor and shall show in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission.
 3. Recordation of Certificate of Correction. Once the certificate of correction has been certified by the city engineer, the certificate of correction shall be filed in the office of the county recorder in which the original map was filed. Upon such filing, the county recorder shall index the names of the fee owners and the appropriate tract designation shown on the amended map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to give notice of all such corrections in the same manner as though set forth upon the original map.
- N. Amendment of Final Maps.
1. In addition to the amendments authorized by subsection M of this section, after a final map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by an amendment of final map.
 2. Application. The land divider may apply for an amendment of final map on the forms provided by the city engineer upon payment of fees as set by the city council and shall include such information, as required by the city engineer.
 3. No amendment of final map shall be approved unless it complies with the following standards:
 - a. There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary;
 - b. The modifications do not impose any additional burden on the present fee owner of the property;
 - c. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 - d. The city engineer finds that the map, as modified, conforms to the provisions of Section 9.14.080 of this chapter.
 4. Notice of Hearing. The city engineer shall set the matter for public hearing in accordance with Section 9.02.200 of this title. The hearing shall be confined to consideration of and action on the proposed modification.

Strikeout/Underline Code Amendments

5. Recordation of Amendment of Final Map. When the changes to a final map are in conformance with the standards, the city engineer shall certify to this fact on the amended map.