

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A MUNICIPAL CODE AMENDMENT (PA11-0030) AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING THE CREATION OF THE MIXED USE OVERLAY DISTRICT (APPROXIMATELY 147.69 ACRES) AND AMENDING THE MUNICIPAL CODE TO INCLUDE STANDARDS RELATED TO THE MIXED USE OVERLAY DISTRICT.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The City of Moreno Valley Official Zoning Atlas shall be modified to reflect the Mixed Use Districts Overlay.

1.3. An environmental assessment, including an initial study, has been prepared to address the environmental impacts associated with application PA11-0030 described above and environmental determinations have been adopted pursuant to the California Environmental Quality Act (CEQA).

SECTION 2: FINDINGS:

Based on substantial evidence presented to this City Council during its public hearing on April 23, 2013, including written and oral staff reports and the record from the public hearing, this City Council hereby finds as follows:

1. Conformance with General Plan Policies – The amendment is consistent with the General Plan, and its goals, objectives, policies and programs, and with any applicable specific plan.

FACT: All of the proposed changes are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan. The amendment creates the Mixed-Use Overlay District to replace the current Mixed Use Zoning Districts 1 and 2 (MUD1 and MUD2). The amendment also includes development standards for the Mixed Use Overlay District.

The General Plan currently references and encourages the concept of mixed use development. At this time, only limited specific plan areas within the City (Village at Sunnymead – Specific Plan 204 and the expired Moreno Highlands – Specific Plan 208) are zoned for mixed use development. The creation of the Mixed Use Overlay District will help promote the concept of mixed use in the City of Moreno Valley.

General Plan Objective 2.4 states that the City shall “Provide commercial areas within the City that are conveniently located, efficient, attractive, and have safe and easy pedestrian and vehicular circulation in order to serve the retail and service commercial needs of Moreno Valley residents and businesses.” The creation of the Mixed Use Overlay District will help meet this objective.

- 2. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or general welfare.

FACT: The proposed changes do not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. The amendment deals with administrative matters that would not cause a physical effect on the environment.

- 3. Conformance with Zoning Regulations – The proposed amendment is consistent with the purposed and intent of Title 9.

FACT: The amendments to the Municipal Code provides for an internally consistent set of regulations that are compatible with the purpose and intent of Title 9. The proposed changes (creation of the Mixed Use Overlay District, deletion of the MUD1 & MUD2 and inclusion of the development standards for the Mixed Use Overlay District) eliminate conflicts or clarify the meaning of some sections of Title 9. As such, it furthers the specific purpose and intent of Title 9 to “implement the goals, objectives, policies and programs of the Moreno Valley General Plan and manage future growth and change in accordance with that plan.”

SECTION 3: MUNICIPAL CODE AMENDED:

- 3.1 Removal of MUD1 & MUD2 Information from Chapter 9.07 Special Districts:

~~9.07.090 Mixed Use Development 1 (MUD1)~~
~~9.07.100 Mixed Use Development 2 (MUD2)~~

- 3.2 Addition of Mixed-Use Overlay Districts to Chapter 9.07 Special Districts:

9.07.090 Mixed-Use Overlay Districts

3.3 The new Chapter 9.07.090– Mixed-Use Overlay Districts will include the following sections:

- 9.07.091 – Purpose and Intent
- 9.07.092 – Applicability
- 9.07.093 – Purposes of Mixed-Use Overlay Districts
- 9.07.094 – Permitted Uses in Mixed-Use Overlay Districts
- 9.07.095 – Mixed-Use Overlay District Site Development Standards
- 9.07.096 – Building Frontage Type Standards
- 9.07.097 – Open Space Standards – Publicly-Accessible Open Space
- 9.07.098 – Open Space Standards – Private/Common Open Space
- 9.07.099 – Lot Area Requirements and Lot Consolidation Incentives

The following will also be added to the Chapter 9.07.090– Mixed-Use Overlay Districts:

9.07.091 – Purpose and Intent

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

B. Intent. The Mixed-Use Overlay Districts are intended to:

1. Stimulate economic development and reinvestment through regulations based upon recognized urban design principles that allow property owners to respond with flexibility to market forces;
2. Create specific development nodes at street intersections with a pedestrian-oriented mix of uses with convenient access between area neighborhoods, housing, employment centers, and retail services;
3. Accommodate intensities and patterns of development that can support multiple modes of transportation including public transit, bicycles, and walking;
4. Facilitate well-designed new mixed-use development projects that combine residential and nonresidential uses (e.g., office, retail, business services, personal services, public spaces and uses, other community amenities, etc.) to promote a better balance of jobs and housing;
5. Ensure compatibility with adjacent existing single-family neighborhoods and harmonious integration with existing commercial areas;
6. Encourage the development of unique district character through a streetscape that provides attractive features (e.g., landscaping, street furniture, niche or linear parks, public places, courtyards, public transportation

shelters; etc.) designed to integrate the public realm (e.g., streets, sidewalks, etc.) with adjacent development on private property; and

7. Provide additional property rights while preserving existing property rights. This intent is achieved by providing additional development rights in compliance with this Chapter, which property owners may exercise under certain conditions, while retaining all development rights conferred by the underlying district to property owners in the mixed-use overlay districts. Incentives and advantages include allowing a greater range and mix of uses; more permissive dimensional specifications (e.g., greater floor area ratio, lot coverage ratio, and height; reduced setbacks; etc.); exemption from certain design review requirements; and fee reductions or waivers.

9.07.092 – Applicability

This Section describes the applicability of mixed-use overlay district standards to a property when the property is located within two districts – a base district (e.g., Commercial (C), Office (O), Business Park/Light Industrial (BP), etc.) and a mixed-use overlay district.

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

B. Base district standards.

1. The provisions in this Chapter shall apply to all properties within their respective mixed-use overlay districts, but the provisions do not supersede the underlying base district provisions until a property is developed in compliance with the provisions of this Chapter.

2. New projects may be developed in compliance with the existing underlying base district, provided that all standards and requirements of the underlying base district are met.

3. Regulations, development standards, and requirements in the underlying base district shall continue to apply to those projects that are currently developed according to the existing standards.

4. For legal non-conforming uses (i.e., uses that do not comply with the provisions of the base district or this Chapter), the provisions in Section 9.02.180 (Legal Nonconforming Uses, Improvements, and Parcels) shall apply.

C. Option to apply mixed-use overlay district standards.

1. The owner or developer of any property within any mixed-use overlay district may choose to develop in compliance with the standards and procedures in this Chapter that apply to the particular mixed-use overlay district in which the property is located.

2. In order to exercise the option to develop under the provisions in this Chapter, approval of a development review application shall be required in compliance with Chapter 9.02.030 (Development Review Process). In granting the approval, the review authority shall find that:

a. The proposed development is in compliance with the provisions in this Chapter; and

b. Approval of the project will not reduce the amount of land available in mixed-use overlay zone areas to a point where the City's affordable housing needs under the Regional Housing Needs Assessment (RHNA) cannot be met.

D. Other applicable regulations. Other applicable regulations can be found in Section 9.09.250 (Live-Work Development) and Section 9.09.260 (Mixed-Use Development).

E. Applicable regulations after completion of development. Once a property is developed in compliance with the provisions in this Chapter, the provisions of this Chapter completely supersede the provisions of the underlying base district. Whenever the requirements of the overlay district impose a more or less restrictive standard than the provisions of the underlying base district, the requirements of the overlay district shall govern.

F. Use of photographs. Photographs and illustrations are included in this Chapter for illustrative purposes only. Specific development standards in this Chapter are the controlling language for purposes of development regulation.

9.07.093 – Purposes of Mixed-Use Overlay Districts

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

A. Mixed-Use Institutional Anchor (MUI) Overlay District. The Mixed-Use Institutional Anchor (MUI) Overlay District applies to areas around prominent anchor institutions, such as civic centers, medical centers, and educational campuses. The intent is to build upon the role of the institutions by providing opportunities for urban, high-intensity development that serves the needs of visitors, employees, and residents affiliated with the anchor institution and the surrounding region. Development is allowed up to five stories in height with building frontages near or at the sidewalk, wide sidewalks, and parking under

or behind buildings. Vertical mixed-use development (ground-floor retail with offices or housing above) is required at important street intersections. Horizontally-integrated or vertically-integrated mixed-use development, with no requirement for ground-floor retail, is allowed in other locations. The overlay district name may be expanded to include the name of the type of anchor institution (e.g., “MUI – Medical Center”). See Figure 9.07.093-1 (Examples of Development in Mixed-Use Institutional Anchor (MUI) Overlay District).

B. Mixed-Use Community (MUC) Overlay District. The Mixed-Use Community (MUC) Overlay District applies to areas along major arterials and arterials. The intent is to provide opportunities for the development of pedestrian-oriented blocks with medium-intense development that serves the needs of residents, visitors, and employees from the surrounding community. Development is allowed up to four stories in height with building frontages near or at the sidewalk, wide sidewalks, and parking under or behind buildings. Vertical mixed-use development (ground-floor retail with offices or housing above) is required at important street intersections. Horizontally-integrated or vertically-integrated mixed-use development, with no requirement for ground-floor retail, is allowed in other locations. The overlay district name may be expanded to include the community name (e.g., “MUC – East Alessandro”). See Figure 9.07.093-2 (Examples of Development in Mixed-Use Community (MUC) Overlay District).

C. Mixed-Use Neighborhood (MUN) Overlay District. The Mixed-Use Neighborhood (MUN) Overlay District applies to areas along arterials and minor arterials. The intent is to provide an area for low-rise mixed-use development that serves the needs of residents, visitors, and employees from the surrounding immediate neighborhood. Development is allowed up to three stories in height with building frontages near or at the sidewalk, wide sidewalks, and parking under or behind buildings. Vertical mixed-use development (ground-floor retail with offices or housing above) is required at important street intersections. Horizontally-integrated or vertically-integrated mixed-use development, with no requirement for ground-floor retail, is allowed in other locations. The overlay district name may be expanded to include the neighborhood name (e.g., “MUN – Lasselle Crossing”). See Figure 9.07.093-3 (Examples of Development in Mixed-Use Neighborhood (MUN) Overlay District).

3.4 Add the following section to Chapter 9.02.090 under “C - Limitations on Administrative Variances”:

5. Decrease in building frontage requirements. In any mixed-use overlay district, the community development director may authorize up to a ten (10) percent decrease in the distance threshold established to specify the required percentage of a building frontage to be built to the Build-To-Zone, as indicated in Table 9.07.095-10 (Mixed Use Overlay District Development Standards) (i.e., the distance threshold from street intersections for the purposes of calculating building frontage length may be reduced from 300 feet to 270 feet). The community development director is not authorized to reduce the percentage of the building frontage that is required to be built to the Build-To-Zone.

3.5 Addition of Chapter 9.09 - Specific Use Development of the following three new uses:

- 9.09.250 – Live-Work Development
- 9.09.260 – Mixed-Use Development
- 9.09.270 – Outdoor Dining

3.6 Revisions to Chapter 9.11- Parking, Pedestrian, and Loading Requirement will the addition to 9.11.030 – General Regulations of the following:

H. Rear Parking. Parking in the rear of buildings and service area shall be limited to five percent of the total required off-street parking, except in the mixed-use overlay districts identified in Chapter 9.07.090 (Mixed-Use Overlay Districts).

3.7 The addition of parking standard information for “Live-Work Units (residential component)” and “Residential Component of Mixed-Use Projects” to Table 9.11.040A-12 in Section 9.11.040 – Off-Street Parking Requirements for Residential Uses. The additions to the table will appear as follows:

Table 9.11.040A-12: Off-Street Parking Requirements

Use	Requirement	Covered Parking	Notes
Residential Uses			
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.

Residential Component of Mixed-Use Project	See Multiple-Family requirements in Table 9.11.040A-12	See Multiple-Family requirements in Table 9.11.040A-12	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 non-residential component. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
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3.8 The addition of parking standard information for “Eating and Drinking Establishments” to Table 9.11.040B-12 in Section 9.11.040 – Off-Street Parking Requirements for Commercial Uses. The additions to the table will appear as follows:

Table 9.11.040B-12: Off-Street Parking Requirements

Commercial Uses	Minimum Requirement	Notes
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 percent 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 square feet of building area or greater.	1/225 sq. ft. of gross floor area up to 15% of the shopping center gross building square footage.	Eating and drinking establishments within shopping centers of 25,000 square feet of building area or greater.

3.9 Revising Section 9.11.060-B of the Off-street bicycle parking requirements by deleting the current wording shown below:

~~B. Number of Parking Spaces Required. Bicycle parking spaces shall be provided in all commercial, office and industrial districts equal to five percent of the required automobile parking spaces, with a minimum of two bicycle parking stalls required for any one use. Single-family and multiple-family residences, senior housing complexes, mobile home parks and model home complexes are exempt from this section.~~

The revised Section 9.11.060-B of the Off-street bicycle parking requirements will now read as follows:

B. Number of Parking Spaces Required.

1. Bicycle parking spaces shall be provided in all commercial, office and industrial districts equal to five percent of the required automobile parking spaces, with a minimum of two bicycle parking stalls required for any one use.
2. Single and Multiple-family residences are exempt from this section.

3.10 Revising Section 9.11.060-D of the General Requirements of the Off-street bicycle parking requirements by adding the following:

6. Signage should be posted to direct bicyclists to the locations of bicycle racks that may not be readily apparent. Similarly, signs indicating the location of bicycle parking should be posted wherever a NO BICYCLE PARKING sign is posted.

3.11 Additions to Chapter 9.15.030 – Definitions (Municipal Code). The list below will be added into the current definitions section in alphabetic order:

“Block” means the aggregate of lots, pedestrian passages, and rear alleys, circumscribed on all sides by streets.

“Block Length” means the linear dimension of a block along one of its street frontages.

“Block Perimeter” means the aggregate dimension of a block along all of its street frontages.

“Build-to-Zone” means the area between the minimum and maximum setbacks within which the principal building’s front façade (building façade line) is to be located. See Figure 9.15.030-1 (Build-to-Zone).

**Figure 9.15.030-1
Build-To-Zone**

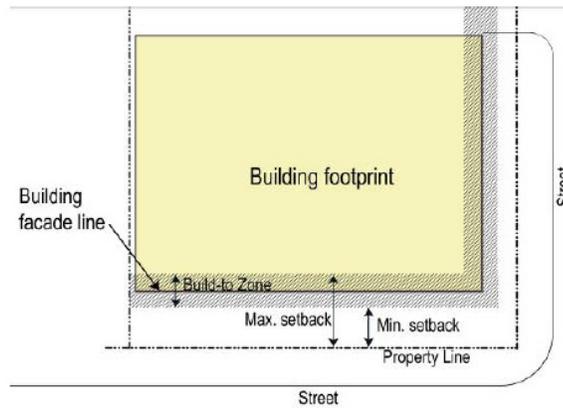


Illustration indicating the location of the build-to zone relative to the minimum and maximum setbacks and the building façade line

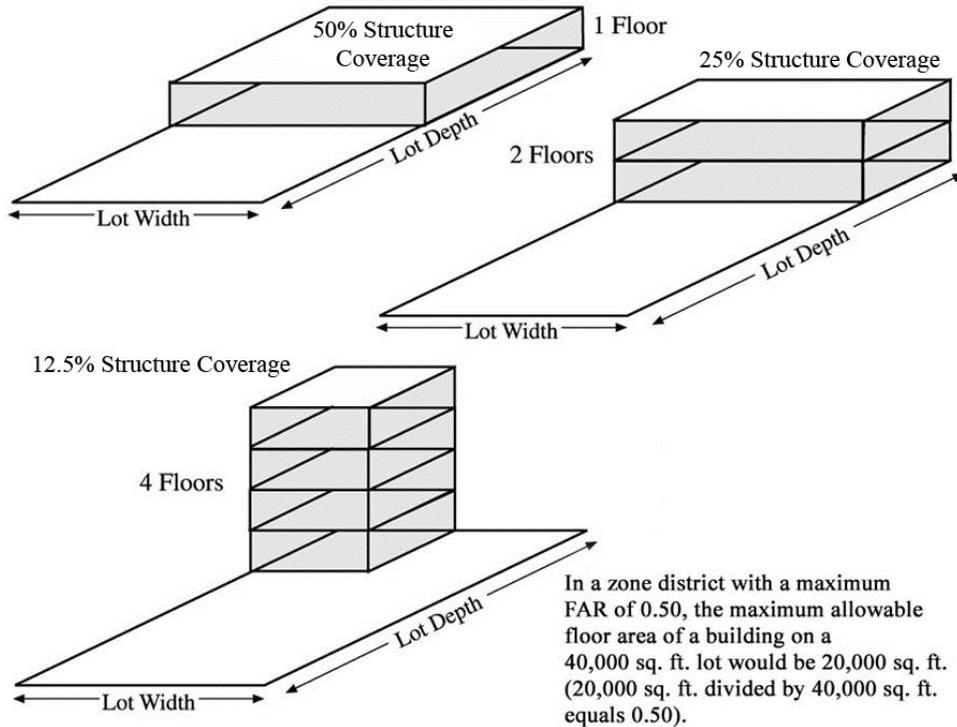
“Building Façade Line” means the vertical plane along a lot where the building’s front façade is actually located. See Figure 9.15.030-1 (Build-to-Zone).

“Commercial-Ready Space” means the ground floor interior space constructed with a minimum height as established in Section 9.075.060 (Building Frontage Type Standards) that may be used for either residential or nonresidential uses. The intent of Commercial-Ready space is to provide flexibility so that a space can be converted between residential and nonresidential uses in response to market demand.

“Floor Area Ratio (FAR)” means the mathematical relation between volume of building and unit of land expressed as the ratio of gross floor area of all structures on a lot to total lot area. See Table 9.075.050-10 (Mixed-Use Development Standards) for FAR figures applicable to the mixed-use overlay districts. See Figure 9.15.030-2 (Floor Area Ratio).

Figure 9.15.030-2: Floor Area Ratio

Possible Building Configurations for 0.50 FAR



NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

“Integration of uses” means potential ways to integrate uses allowed in mixed-use development including:

1. Vertical integration. A mix of nonresidential uses (i.e., commercial, retail, and/or office) located on the ground floor with residential dwelling units located above.
2. Horizontal integration. A mix of nonresidential uses located on the primary street frontage of a lot and residential uses located at the rear of a lot.

“Live-Work” means a structure or complex of structures that integrates space for both residential and nonresidential uses within individual units.

“Live/Work Unit” means a unit with both residential and nonresidential uses and where neither use is subordinate to the other.

“Mezzanine” means an intermediate floor between main floors of a building. The floor often projects from the walls and does not completely close the view of the ceiling from the floor immediately below. A mezzanine floor and the floor below it share the same ceiling.

“Mixed-Use Vertical Development” means development that combines two or more types of land uses (e.g., residential, commercial, office, industrial, institutional, or recreation) in a single building in a vertical configuration, typically with residential uses located above nonresidential uses.

“Mixed-Use Horizontal Development” means development that combines two or more types of land uses (e.g., residential, commercial, office, industrial, institutional, or recreation) on a single development site, but not necessarily in the same building, typically nonresidential uses are located adjacent to the street and residential uses are located away from major streets behind nonresidential uses.

“Mixed-Use Overlay District” means a land use designation (zoning district) that allows a combination of uses, which may include residential, commercial, office, industrial, institutional, or recreational uses.

“Podium Parking” means parking spaces that are covered by the ground floor of a building and are completely enclosed by walls. Podium parking may occur at or below the grade of the adjacent sidewalk.

“Private Realm” means any privately-owned property.

“Public Realm” means any publicly owned streets, roadways, sidewalks, parks, plazas, and other open spaces that comprise the shared space of a city for its visitors, employees and residents. It is the space between buildings where civic interaction occurs and is defined in contrast to private property.

“Surface Parking” means parking spaces that are not covered by a building and are not enclosed by walls. Surface parking is also known as a “parking lot”.

“Tuck-Under Parking” means parking spaces that are covered by the upper floor of a building, but are otherwise open.

“Underground Level” means that portion of a structure between the floor and ceiling which is wholly or partly below grade and having more than one half of its height below grade.

3.12 The Permitted Uses Table 9.02.020-1 in Chapter 9.02.020 will be replaced with Exhibit of this Ordinance.

SECTION EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 23rd day of April, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and 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 _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)