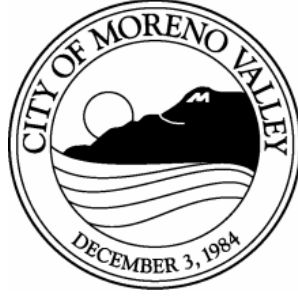

PLANNING COMMISSIONERS

BRIAN LOWELL
Chair

JEFFREY SIMS
Vice-Chair

RAY L. BAKER
Commissioner



JEFFREY BARNES
Commissioner

CARLOS RAMIREZ
Commissioner

PATRICIA KORZEC
Commissioner

MELI VAN NATTA
Commissioner

PLANNING COMMISSION

Regular Meeting

Agenda

Thursday, July 23, 2015 at 7:00 PM
City Hall Council Chamber – 14177 Frederick Street

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Approval of the Agenda

CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no discussion of these items unless Members of the Planning Commission request specific items be removed from the Consent Calendar for separate action.

APPROVAL OF MINUTES

Planning Commission - Regular Meeting - Mar 12, 2015 7:00 PM

Planning Commission - Regular Meeting - Mar 26, 2015 7:00 PM

Planning Commission - Regular Meeting - Apr 23, 2015 7:00 PM

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, member of the public may be limited to three

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 Guy Pegan, ADA Coordinator, at 951.413.3120 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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.

NON-PUBLIC HEARING ITEMS

None

PUBLIC HEARING ITEMS

1. Case: PA14-0031 (TTM 36761) and P14-059 (Variance)
Applicant: Right Solutions LLC
Owner: Right Solutions LLC
Representative: Blaine Womer Civil Engineering
Location: 24329 Dunlavy Court
(west of Indian St and east of Davis St)
Case Planner: Claudia Manrique
Council District: 1

Proposal: PA14-0031 (TTM 36761) and P14-059 (Variance)

STAFF RECOMMENDATION

Recommend the Planning Commission **APPROVE** Resolution No. 2015-10 and Resolution No. 2015-11, and thereby:

1. **CERTIFY** that the proposed Variance (P14-059) and Tentative Tract Map 36761 (PA14-0031) are exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development); and
 2. **APPROVE** Variance (P14-059) based on the findings contained in Planning Commission Resolution 2015-10; and
 3. **APPROVE** Tentative Tract Map 36761 (PA14-0031) based on the findings contained in Planning Commission Resolution 2015-11, subject to the conditions of approval included as Exhibit A of the Resolution.
2. Case: PA15-0008 (Conditional Use Permit)

Applicant: Verizon Wireless

Owner: Strong Tower Church of God (Pastor John Ooten)

Representative: Core Development Services (Henry Castro)

Location: 24771 Iris Avenue

Case Planner: Claudia Manrique

Council District: 4

Proposal: Conditional Use Permit (PA15-0008) for a new wireless communications facility with a 55 foot monopalm tree.

STAFF RECOMMENDATION

Recommend the Planning Commission **APPROVE** Resolution No. 2015-20.

1. **CERTIFY** that the proposed Verizon wireless telecommunications facility is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures; and
2. **APPROVE** Conditional Use Permit PA15-0008 based on the findings contained in Planning Commission Resolution 2015-20, subject to the conditions of approval included as Exhibit A of the Resolution.
3. Case: PA15-0010 (Tentative Tract Map No. 36882)

Applicant: FHII, LLC

Owner: Wheeler Lane Investors

Representative: Darren Asay, Frontier Communities

Location: South side of Brodiaea Avenue, approximately 600 feet west of Moreno Beach Drive

Case Planner: Chris Ormsby, AICP

Council District: 3

Proposal: TENTATIVE TRACT MAP 36882 TO SUBDIVIDE 9.4 GROSS ACRES INTO 40 SINGLE-FAMILY RESIDENTIAL LOTS

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2015-19, and thereby:

1. **ADOPT** a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for PA15-0010 (Tentative Tract Map 36882), as included in Exhibits A and B; and
2. **APPROVE** PA15-0010 (Tentative Tract Map 36882), subject to the attached Conditions of Approval included as Exhibit C.

OTHER COMMISSION BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Next Meeting: Planning Commission Regular Meeting, August 27, 2015 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

1 CITY OF MORENO VALLEY
2 PLANNING COMMISSION
3 REGULAR MEETING
4 CITY HALL COUNCIL CHAMBER – 14177 FREDERICK STREET
5

6 Thursday March 12th, 2015, 7:00 PM

7
8 CALL TO ORDER

9
10 ROLL CALL

11
12 Excused Absence: Chair Sims

13
14 PLEDGE OF ALLEGIANCE

15
16 APPROVAL OF THE AGENDA

17
18 VICE CHAIR LOWELL – Would anyone like to motion to approve the Agenda for
19 tonight’s meeting?

20
21 COMMISSIONER BAKER – I’ll move to accept the Agenda as presented.

22
23 COMMISSIONER BARNES – Second

24
25 VICE CHAIR LOWELL – Can we get a vote?

26
27 COMMISSIONER VAN NATTA – Yes

28
29 COMMISSIONER BAKER – Yes

30
31 COMMISSIONER BARNES - Yes

32
33 COMMISSIONER RAMIREZ – Yes

34
35 VICE CHAIR LOWELL – Yes

36
37 VICE CHAIR LOWELL – Okay that brings us to the public comments portion of
38 the meeting. At this time... this is the time for any member of the public to
39 address us on any matter which is not listed on the Agenda and which is within
40 the subject matter of the jurisdiction of the Commission.

41
42 PLANNING OFFICIAL SANDZIMIER – Vice Chair Lowell, may I? The approval
43 of the minutes would be the first item. I apologize.

44
45 VICE CHAIR LOWELL – Ah, I see, my mistake.

1 **APPROVAL OF MINUTES**

2
3 **January 8th, 2015**

4
5 **VICE CHAIR LOWELL** – Right, let me back up. The first item on our Agenda is
6 the approval of the minutes for the meeting of January 8th, 2015. Would anyone
7 like to motion to approve the minutes?

8
9 **COMMISSIONER BAKER** – I’ll so move

10
11 **COMMISSIONER BARNES** – Second

12
13 **VICE CHAIR LOWELL** – And can we ask for a vote?

14
15 **COMMISSIONER RAMIREZ** – Yes

16
17 **COMMISSIONER BARNES** – Yes

18
19 **COMMISSIONER BAKER** – Yes

20
21 **COMMISSIONER VAN NATTA** – Yes

22
23 **VICE CHAIR LOWELL** – Yes

24
25 **PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE**
26 **MEETING** (On display in the rear of the room)

27
28 **COMMENTS BY ANY MEMBER OF THE PUBLIC ON ANY MATTER WHICH**
29 **IS NOT LISTED ON THE AGENDA AND WHICH IS WITHIN THE SUBJECT**
30 **MATTER JURISDICTION OF THE COMMISSION**

31
32 *Upon request, this agenda will be made available in appropriate alternative*
33 *formats to persons with disabilities, in compliance with the Americans with*
34 *Disabilities Act of 1990. Any person with a disability who requires a modification*
35 *or accommodation in order to participate in a meeting should direct such request*
36 *to Mark Sambito, ADA Coordinator, at 951-413-3120 at least 48 hours before the*
37 *meeting. The 48 hour notification will enable the City to make reasonable*
38 *arrangements to ensure accessibility to this meeting.*

39
40 **VICE CHAIR LOWELL** – Now that brings us to the public comments portion of
41 the Agenda. This is the portion of the meeting where comments by any member
42 of the public on any matter which is not listed on the Agenda and which is within
43 the subject matter jurisdiction of the Commission. A little caveat... Upon request,
44 this agenda will be made available in appropriate alternative formats to persons
45 with disabilities, in compliance with the Americans with Disabilities Act of 1990.
46 Any person with a disability who requires a modification or accommodation in

1 order to participate in a meeting should direct such a request to Mark Sambito,
2 ADA Coordinator, at 951-413-3120 at least 48 hours before the meeting. The 48
3 hour notification will enable the City to make reasonable arrangements to ensure
4 accessibility to this meeting. Do we have any requests for the Public Speakers?

5
6 **GRACE ESPINO-SALCEDO** – We do have one Speaker. That’s Tom Jerele Jr.
7 I’m sorry that’s Tom Jerele Sr.

8
9 **SPEAKER JERELE** – Tom Jerele Sr. speaking on behalf of myself.
10 Commissioner Lowell, Commissioners and members of Staff and the public.
11 Thank you for giving me enough time and I’m fine I don’t need any special
12 accommodations. Gives me a chance to stretch my back a little bit, but I simply
13 wanted to acknowledge and am pleased that the City Council has extended the
14 terms; that are given new terms to the incumbent Planning Commissioners and
15 I’ve enjoyed the work I’ve seen take place in the past and I think Councilman
16 Giba said it quite well and I’m paraphrasing a bit, but it amounted to if it ain’t
17 broke, don’t fix it, so it’s working pretty good and so I just want to wish you a
18 good tour of duty in the future here and that’s it. Thank you.

19
20 **VICE CHAIR LOWELL** – Thank you Tom. Grace, are there any other Public
21 Speakers?

22
23 **GRACE ESPINO-SALCEDO** – We have no other speakers.

24
25 **VICE CHAIR LOWELL** – Okay, well at this time that closes the public speaker
26 portion of the meeting. Thank you.

27
28 **NON-PUBLIC HEARING ITEMS**

29 *None*

30
31 **PUBLIC HEARING ITEMS**

- 32
33 1. Case Description: [PA13-0063 Plot Plan](#)
34 [P13-130 Environmental Impact Report \(EIR\)](#)
35 Applicant: Kearny Real Estate Company
36 Owner: Kearny Real Estate Company
37 Representative: Jason Rosin, Kearny Real Estate Company
38 Location: 17300 Perris Boulevard (NEC of Perris Boulevard
39 and Modular Way).
40 Proposal: A Plot Plan for the construction of a 1,109,378
41 square foot warehouse building on 50.68 net
42 acres with the demolition of the existing
43 warehouse facility. The project site is in the
44 Moreno Valley Industrial Area Specific Plan
45 208. Approval of this project will require the
46 Review and certification of an EIR.

1 Case Planner: Claudia Manrique

2
3 **Recommendation:**

4
5 **APPROVE** Resolution No. 2015-03 and Resolution No. 2015-04 and
6 thereby:

- 7 1. **CERTIFY** that Final Environmental Impact Report (EIR), P13-130, for
8 the Modular Logistics Center on file with the Community & Economic
9 Development Department, has been completed in compliance with the
10 California Environmental Quality Act, the Planning Commission
11 reviewed and considered the information contained in the Final EIR,
12 and the Final EIR reflects the City's independent judgment and
13 analysis as provided for in Planning Commission Resolution 2015-03.
14 2. **ADOPT** the Findings and Statement of Overriding Considerations
15 regarding the Final EIR for the Modular Logistics Center, attached
16 hereto as Exhibit A to Resolution 2015-03.
17 3. **APPROVE** the Mitigation Monitoring Program for the Final EIR for the
18 proposed Modular Logistics Center, attached hereto as Exhibit B to
19 the Resolution 2015-03.
20 4. **APPROVE** PA13-0063 Plot Plan, subject to the attached Conditions of
21 Approval included as Exhibit A to Resolution 2015-04.
22

23 **VICE CHAIR LOWELL** – Now we need to go to the first item that we are
24 discussing tonight which is the Kearny Real Estate Company; PA13-0063 and I
25 believe Claudia is the Case Planner on this one or is it; I'm sorry.
26

27 **PLANNING OFFICIAL SANDZIMIER** – Claudia Manrique is the Case Planner on
28 this one, however I want to bring to the Commission's attention this evening that
29 on Monday of this week the applicant had made a formal request that the
30 Planning Commission continue the public hearing on this item to the meeting of
31 April 23rd, 2015. There is a letter attached and it is on your dais this evening that
32 explains why. Simply they have received some additional comments. They did
33 not say who those comments had come from, but they need some additional time
34 to consider the comments and prepare an appropriate response and they
35 respectfully request that we continue the item to April 23rd. Staff has considered
36 the request and we have no objection to the continuance, however I do want to
37 point out to the Commission that the meeting was public noticed as a public
38 hearing this evening, so if there was any member of the public that was here who
39 wished to speak, the Commission may want to ask for that. The two options you
40 have are one, to open the public hearing and take the public testimony and then
41 continue the meeting in an open fashion to the meeting of the 23rd if you are
42 inclined to continue it or the other option is to take deliberations to take a motion
43 to see if you can continue the meeting to April 23rd without accepting public
44 comments and then you can just direct the audience they will have the
45 opportunity to make their public comments on the 23rd. Those are your two
46 options.

1 **VICE CHAIR LOWELL** – Okay, in an effort to make sure that nobody travelled all
2 this way to our meeting and not have a chance to speak, are there any speaker
3 slips for this item?
4

5 **GRACE ESPINO-SALCEDO** – I have not received any Speaker Slips.
6

7 **VICE CHAIR LOWELL** – Alright since we don't have any Speaker Slips, I think it
8 would be a better move to not open the public comment at this time and can we
9 get a motion to continue this item to the April 23rd meeting.
10

11 **PLANNING OFFICIAL SANDZIMIER** – That was the request.
12

13 **COMMISSIONER VAN NATTA** – I move that we continue this item to the
14 April 23rd meeting.
15

16 **VICE CHAIR LOWELL** – Do we have a second?
17

18 **COMMISSIONER BAKER** – I'll second that
19

20 **VICE CHAIR LOWELL** – Can we get a vote? Can we get a roll call vote?
21

22 **COMMISSIONER RAMIREZ** – Yes
23

24 **COMMISSIONER BARNES** – Yes
25

26 **COMMISSIONER BAKER** – Yes
27

28 **COMMISSIONER VAN NATTA** – Yes
29

30 **VICE CHAIR LOWELL** – Yes
31

32 **VICE CHAIR LOWELL** – And with that motion I do believe the item has been
33 continued. Do we need to say anything else on this matter Mr. Sandzimier?
34

35 **PLANNING OFFICIAL SANDZIMIER** – No we do not. The next meeting will be
36 on April 23rd because the meeting was continued to a date certain. The public
37 notice that has been published for this meeting still holds, so it'll be fine. Thank
38 you.
39

40 **VICE CHAIR LOWELL** – Thank you very much.
41
42
43
44
45
46

1 2. Case Description: PA14-0042 Plot Plan
 2 PA14-0043 General Plan Amendment
 3 PA14-0044 Zone Change
 4 Applicant: Latco Enterprises
 5 Owner: Jim Kimmel
 6 Representative: Pacific Development Solutions Group
 7 Location: Southeast corner of Eucalyptus Avenue and
 8 Edgemont Street
 9 Proposal: General Plan Amendment from Commercial (C) to
 10 Residential 20 (R20) and Zone Change from
 11 Community Commercial (CC) to Residential 20
 12 (R20) for development of a Plot Plan for a 112
 13 Unit apartment project on 6.63 acres. The project
 14 Proposes 14 two-story buildings with a mix of 1
 15 And 2 bedroom units and with covered parking to
 16 include carports and garages.

17
18 **Recommendation:**

19
20 **APPROVE** Resolution No. 2015-06 and thereby **RECOMMEND** that the
 21 City Council:
 22 1. **ADOPT** a Mitigated Negative Declaration for General Plan
 23 Amendment application PA14-0043, pursuant to the California
 24 Environmental Quality Act (CEQA) Guidelines; and,
 25 2. **APPROVE** General Plan Amendment application PA14-0043
 26 based on the findings contained in this resolution, and as shown on
 27 the attachment included as Exhibit A.
 28

29 **Recommendation:**

30
31 **APPROVE** Resolution No. 2015-07 and thereby **RECOMMEND** that the
 32 City Council:
 33 1. **ADOPT** a Mitigated Negative Declaration for Zone Change
 34 application PA14-044, pursuant to the California Environmental
 35 Quality Act (CEQA) Guidelines; and,
 36 2. **APPROVE** Zone Change application PA14-044 based on the
 37 findings contained in this resolution, and as shown on the
 38 attachment included as Exhibit A.
 39

40 **Recommendation:**

41
42 **APPROVE** Resolution No. 2015-07 and thereby **RECOMMEND** that the
 43 City Council:
 44 1. **ADOPT** a Mitigated Negative Declaration for Plot Plan Application
 45 PA14-0042, pursuant to the California Environmental Quality Act
 46 (CEQA) Guidelines; and,

1 **2. APPROVE** Plot Plan application PA14-0042 based on the findings
2 contained in this resolution, and subject to the attached conditions
3 of approval included as Exhibit A.
4

5 **VICE CHAIR LOWELL** – So now the next item on the Agenda is the public
6 hearing for a Plot Plan, General Plan Amendment, Zone Change and Mitigated
7 Negative Declaration filed by Latco Enterprises. Is there a Staff Report on this
8 item?
9

10 **PLANNING OFFICIAL SANDZIMIER** – There is a Staff Report this evening. Jeff
11 Bradshaw, Associate Planner will make the presentation.
12

13 **VICE CHAIR LOWELL** – Thank you
14

15 **COMMISSIONER BARNES** – Mr. Vice Chair, before we get started, I had a
16 discussion with the City Attorney and one of the property owners and another
17 individual are a client of the firm that employs me, so after discussion, I have
18 decided that it would be best that I recuse myself from this evening's
19 proceedings.
20

21 **VICE CHAIR LOWELL** – Thank you very much. Just give him a chance to exit.
22 Okay, Mr. Bradshaw.
23

24 **ASSOCIATE PLANNER BRADSHAW** – Thank you. Good evening Vice Chair
25 Lowell and members of the Planning Commission. As described in the Agenda,
26 the item before you this evening is a request from Latco Enterprises and includes
27 three applications for the development of a project identified as the Edgemont
28 Apartments Project. The applications would include a request for a General Plan
29 Amendment, request for a Zone Change and a Plot Plan for the development of
30 a 112 unit apartment project located on the 6.63 acres at the southeast corner of
31 Eucalyptus Avenue and Edgemont Street. I'll just provide a little bit of
32 background on the project site. This is a site that was used historically for
33 agricultural purposes up to about 1967. From 1967 forward it has remained as a
34 vacant undeveloped corner with the activity there limited to weed abatement.
35 This is a mostly flat property. There are no outcroppings or stream beds or other
36 features of this type on the site. It is important to note I think that the project at
37 this location is within the boundaries of the Edgemont Community Services
38 District which provides sewer and lighting services for arterial streets and also
39 within the boundaries of the Box Springs Mutual Water Company, which provides
40 water to this area. The City did receive will serve letters from both these utilities
41 indicating their ability to provide both sewer and water services to the project and
42 additionally a fire flow letter was provided for the project indicating that Box
43 Springs Mutual was able to satisfy the City's fire flow requirements. That
44 document was reviewed and found satisfactory by our City's Fire Prevention
45 Bureau.

1 When you look at the project location, it is surrounded by established uses that
2 include single family homes to the north on the opposite side of Eucalyptus.
3 There are scattered homes to the west and the south. There is a mobile home
4 park immediately to the east. To the north on the other side of Eucalyptus there
5 is also is Edgemont Elementary School and an office building.

6
7 The General Plan designation for this area is primarily Residential Office, with
8 some commercial designated land to the west at the intersection of Eucalyptus
9 and Valley Springs and again to the east at the intersection of Day and
10 Eucalyptus. The zoning for the area is complimentary to that. It is primarily
11 Office Commercial along Eucalyptus Avenue along with Commercial zoning at
12 the same intersections at Valley Springs and Eucalyptus and again at Day and
13 Eucalyptus. The zoning to the south includes single family homes that are in
14 zones that are R10 and R15, which are both multi-family zones, so we have
15 some pre-existing non-conforming uses that surround the site and again with the
16 school site across the street that has a public zone or public use.

17
18 Additionally just to provide some background about the project site. There was a
19 mini-storage facility approved by the City Council at this location in April of 2009.
20 The approval of the mini-storage as the use required Councils approval of a
21 General Plan Amendment and a Zone Change at this location, so in 2009 the
22 General Plan was changed from Residential Office to Commercial and the zone
23 was changed from Office Commercial to Community Commercial and that
24 change allowed for the more intense use to take place and would have allowed
25 for the development of the mini-storage facility. In speaking with the owner of the
26 property, that particular use has never come on line and was not developed due
27 to changing market conditions and the demand for mini-storage which has
28 diminished through the years and so the change presented to you this evening is
29 a reflection really of changing demand and land use patterns for this area. Again
30 the project includes a request for a change in land use at this site.

31
32 The applicant is requesting a General Plan Amendment to change the
33 designation to Residential 20 and a corresponding zone change to R24 for this
34 location. The proposed change would then establish a multi-family designation
35 for this site, which would be compatible with those surrounding residential uses
36 to the south and to the east. The loss of commercial land use at this location
37 would eliminate the potential for commercial development at this site, however in
38 reviewing the proposed land use change, consideration was given to the amount
39 of existing commercial located within close proximity at the intersections of Valley
40 Springs and Day Street with Eucalyptus. I think it is also important to note that
41 under the prior approval, the intent was to allow for commercial development that
42 would be a passive use if you will; a mini-storage use across from an Elementary
43 School, I believe at the time was considered to be an acceptable type of
44 commercial use across from there.

45

1 It is Staff's feeling that in this case, with the proposed change to multi-family
2 residential we can establish a land use across from the Elementary School that is
3 a more compatible use than the unknowns of an intense commercial use at this
4 location. The Traffic Engineering Division required a Traffic Impact Study for the
5 project. The intent of that was to address the potential increase in traffic that
6 would result if this project is approved. Based on the results of that study, there
7 were no acceptable levels of service or other negative impacts to the City's
8 circulation system identified.

9
10 The Plot Plan proposed for this project would result in the development of 14
11 two-story buildings that would allow for a total of 112 apartment units that would
12 include a mix of 56 one bedroom and 56 two bedroom units. The site would be
13 secured with decorative perimeter fencing and walls. It would be a gated facility.
14 Amenities with the project would include a pool, a rec center, private open space,
15 carport parking and some single car garages for the residents of the community.
16 In the review of the project, the City coordinated with outside agencies that
17 included the Moreno Valley Unified School District, the Pechanga Cultural
18 Resources representing the Temecula Band of the San Jacinto Mission Indians
19 and the Riverside County Airport Land Use Commission and out of that
20 coordinated review we were able to address concerns raised by some of those
21 agencies and then include conditions of approval on the project that would help
22 address potential impacts to both cultural resources and also ensure that this
23 project is compatible with the March Airport Land Use Compatibility Plan that is
24 the responsibility of the Airport Land Use Commission to oversee. As an
25 extension of that, the City has satisfied or coordinated rather with Pechanga
26 Cultural Resources in a manner that is in compliance with the SB18 consultation
27 process.

28
29 With regards to the environmental for the project, an Initial Study Mitigated
30 Negative Declaration was prepared for the project to assess potential impacts on
31 the environment and based on the findings presented in that Initial Study, Staff
32 has made the determination that the proposed project will not have a significant
33 effect on the environment with the implementation of mitigation and there are
34 mitigation measures proposed for this project that would reduce impacts under
35 the categories of hazard, noise and traffic and there is a Mitigation Monitoring
36 Program that has been prepared for this project and that is included as
37 Attachment 6 in the Staff Report for reference. Those same measures are also
38 referenced in the conditions of approval and so we have two ways to ensure
39 compliance with those mitigation measures. Based on the results of this study...
40 excuse me, the mitigated negative declaration; again there is no evidence that
41 the project would result in significant impacts on public health or be materially
42 injurious to surrounding properties and it is Staff's recommendation that Mitigated
43 Negative Declaration be adopted for this project. Noticing efforts for this project
44 were in compliance with the requirements of our code. We did publish a notice of
45 this item in the newspaper on February 20th to satisfy our 20 day noticing
46 requirement. Additionally notices were sent to property owners within 300 feet of

1 the site and that was done on February 26th, along with the posting of a notice on
2 the site.

3
4 In response to the notices I did receive two phone calls from area residents. Out
5 of that conversation I didn't come away with any stated concerns about the
6 project, but just a request to better understand what the notice was about and
7 then additionally this afternoon there was an email submitted from a resident
8 stating concerns with the proposed land use changes and also questions about
9 the Box Springs Mutual Water Company; there should be a copy of that email
10 provided to you for your consideration. That should be on dais there. And finally,
11 there are some additional materials that were provided to you in the way of a
12 memorandum, which addressed recommended changes to the conditions of
13 approval, so after the Staff Report was circulated we had a chance to speak with
14 the applicant with some concerns they about some of the conditions of approval
15 and so before you this evening is a memo from the Special Districts Division with
16 the recommendation to revise condition SD1.

17
18 Since the project is located within the Edgemont Community Services District, it
19 would not be subject to the City's zone C tax for arterial street lighting and so the
20 recommendation is to correct that condition and not require an assessment of
21 them that is not appropriate. There is a memo from the Fire Prevention Bureau
22 with a recommendation to delete what would be item 1 of the fire conditions. The
23 deletion of this item is recommended since the installation of fire sprinklers is not
24 a requirement and I believe you should have a complete set of the revised fire
25 conditions attached to that memo for reference and finally recommended revision
26 to conditions from the Land Development Division and they are proposing
27 changes to conditions LD10, LD22, LD29, LD32, LD33, LD43 and LD53 and I
28 can come back to those if you like for reference. Attached to the memo from
29 Land Development is a copy of a new final set of conditions of approval from
30 Land Development as well as a strike out underline version of the conditions that
31 would allow you to see where those changes were made. The intent of the
32 conditions is to bring this project; to ensure compliance of this project with water
33 quality and storm water requirements that are appropriate for an apartment
34 project. The conditions as issued were prepared in a manner that is more
35 appropriate for a condominium project where you would have common areas and
36 the need for a Homeowners Association and with this being an apartment
37 project, those conditions weren't necessary or appropriate and Land
38 Development has revised the conditions to bring them into compliance with the
39 type of project that it is.

40
41 **PLANNING OFFICIAL SANDZIMIER** – Could I add a clarification? It is not that
42 the condition as a whole was not... it was the reference to the HOA; the
43 Homeowners Association in there that was stricken.

44
45 **ASSOCIATE PLANNER BRADSHAW** – With that, Staff would recommend to
46 the Planning Commission that they recommend Council adoption of the Mitigated

1 Negative Declaration for the project and that the Council approve the proposed
2 General Plan Amendment, Zone Change and Plot Plan applications as presented
3 to you this evening. With that, that completes my presentation and I'd be happy
4 to answer any questions for you. The applicant and his team are also here to be
5 able to speak and answer questions.

6
7 **CITY ATTORNEY EARLY** – And I just wanted to add a piece of legal tidbit here.
8 Because this involves a General Plan Amendment, the California Government
9 Code requires that the recommendation for approval be by a majority of the
10 membership of the body, which in this case is four and since we have a quorum
11 of four here, in order for this recommendation for approval to go on, it will require
12 four affirmative votes.

13
14 **VICE CHAIR LOWELL** – And that's the case even though we have six Planning
15 Commissioners at the moment?

16
17 **CITY ATTORNEY EARLY** – Yes, because the membership of the body is seven
18 even though a seat is vacant at the moment.

19
20 **VICE CHAIR LOWELL** – Thank you for your report Jeff. I appreciate it.

21
22 **ASSOCIATE PLANNER BRADSHAW** – I tend to get nervous and not run the
23 slides, but if there is anything in your packet that you wanted to see by way of the
24 project plans, we are prepared to go through those slides if that is helpful.

25
26 **COMMISSIONER VAN NATTA** – The architectural plans I was unable to pull up
27 on my viewer here. It is not loading so I'd like to see those.

28
29 **ASSOCIATE PLANNER BRADSHAW** – Is it the elevations that you are
30 interested in or...

31
32 **COMMISSIONER VAN NATTA** – The entire complex. That one right there.
33 That's the one I wanted to look at. So then how many units are in each building
34 then... four? There's 112 units in how many buildings?

35
36 **ASSOCIATE PLANNER BRADSHAW** – 14 buildings.

37
38 **COMMISSIONER VAN NATTA** – 14 buildings, okay. I really would like
39 somebody to speak to this issue about the water; the Edgemont Water District
40 because I kept hearing for years; we've been hearing that we can't fix the roads
41 there, we can't fix... we can't redo this, we can't redo that because the water
42 system is so bad and the water supply is so low and I could see approving a
43 storage space there because it would be very little water use, but to put 112
44 apartment units there, what has changed in the Edgemont Water District that we
45 haven't heard about to all a sudden make there be plenty of water supply.

46

1 **PLANNING OFFICIAL SANDZIMIER** – If I may through the Chair or Vice Chair,
2 there are two water supply issues that need to be considered. One is the
3 domestic water that is supplied to the units themselves and the development
4 does meet that standard. The other one which is a little bit more difficult to
5 satisfy, is the fire flow and the fire flow consideration I'd like to turn to our Fire
6 Marshall Adria to address, but that is the one that has got most of the attention.

7
8 **FIRE MARSHALL REINERTSON** – Yes, to respond to that issue as we all know,
9 there has historically been water flow, particularly fire flow issues in the
10 Edgemont area. There are a couple of things that happened with this particular
11 property that allowed us to get the required fire flow. Just as information, fire flow
12 is based on the type of occupancy you want to build, the size of it and the
13 construction type and that gives us our minimums, so for this particular project
14 we were looking for a minimum of 1500 gallons per minute and we received that
15 from a registered engineer which was our requirement from that area. We had a
16 professional engineer go out, witnessed by Fire Department staff to assure us
17 that we were getting the fire flow that we needed. So for this particular parcel the
18 fire flow on that edge of town if I may, is generally better than a lot of other areas
19 over there first of all and then this particular parcel is in very close proximity to
20 the pump house, which has quite a bit to do with it, as well as there is a stretch of
21 brand new pipe directly from the pump house into this parcel, so those are some
22 of the things that we looked at and requested of the applicant to supply the Fire
23 Department to satisfy our concerns with the water out there.

24
25 **COMMISSIONER VAN NATTA** – And then does that also address the water
26 supply for the residents?
27

28 **ASSOCIATE PLANNER BRADSHAW** – The potable water was also something
29 that was documented through Box Springs Mutual Water.
30

31 **VICE CHAIR LOWELL** – So basically this property is geographically desirable. It
32 is right next to the pump station, so there is plenty of flow, plenty of pressure for
33 fire flow and domestic use.
34

35 **FIRE MARSHALL REINERTSON** – Yes. Of course we haven't looked at all of
36 the parcels in Box Springs, but we have been taking them on a case by case
37 basis as requests have come in, and so it varies widely across the district.
38

39 **VICE CHAIR LOWELL** – Historically as Commissioner Van Natta was saying;
40 historically the water supply in this area has been less than desirable. The
41 infrastructure is failing. It is really old. Is there any precedence to have this
42 project examine the surrounding network of pipes along its frontage to possibly
43 have them improve the pipes or is that more of a water district maintenance
44 issue?
45

1 **PLANNING OFFICIAL SANDZIMIER** – Well one of the advantages of the
2 development going forward in discussions with Box Springs Mutual is that they
3 get an infusion of cash when they develop a new project, so this project will
4 actually provide additional money to them so they can start to improve their
5 system. There is a lot of work that needs to be done in the area and so for
6 purposes of this project, we evaluated it based on its ability to get the water it
7 needs for this type of a development in the 112 unit apartment development. It
8 can be done meeting both the potable domestic water and the fire flow.

9
10 **VICE CHAIR LOWELL** – Okay

11
12 **COMMISSIONER VAN NATTA** – The fact that the water district is going to get
13 more funds from this, is there any way to control whether or not they are actually
14 going to use those funds to improve the infrastructure?
15

16 **PLANNING OFFICIAL SANDZIMIER** – I don't believe... the City cannot compel
17 them to use the money for what I think you are suggesting they do. It's at their
18 discretion what they use their money for.
19

20 **COMMISSIONER VAN NATTA** – I think that's been part of the problem up to this
21 point is that their discretionary use of the funds that become available to them is
22 not always to the benefit of the recipients of their service. That was my concern
23 and we're putting something else in there without any reassurance that there is
24 going to be an improvement to the system.
25

26 **PLANNING OFFICIAL SANDZIMIER** – Your comments are noted.
27

28 **COMMISSIONER VAN NATTA** – Okay. The other question that I had was to do
29 with traffic flow and any planned improvements to the streets that would be
30 taking the residents here to the main arterial streets for commuting.
31

32 **PLANNING OFFICIAL SANDZIMIER** – I'd like to ask Michael Lloyd to answer
33 that question.
34

35 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Good evening
36 Commissioners. Michael Lloyd with Transportation Engineering. The project is
37 conditioned to provide frontage improvements along Edgemont Street which
38 would get them back to Eucalyptus. The improvements along Eucalyptus are at
39 their ultimate location, so the curb is set. They'll be putting in I believe new
40 sidewalk and we do have an existing pedestrian signal, so children can cross
41 from the south side to the north side of Eucalyptus, but this project is conditioned
42 to put in improvements along their Edgemont Street frontage, which will provide
43 improvement up to Eucalyptus.
44

45 **COMMISSIONER VAN NATTA** – And their main gated entrance is on
46 Edgemont?

1 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct.

2
3 **COMMISSIONER VAN NATTA** – And the other entrance is exits?

4
5 **TRANSPORTATION DIVISION ENGINEER LLOYD** – The other is an
6 emergency only and it's designed that way given its proximity to the pedestrian
7 signal. The signal is not designed for vehicular access from what would be the
8 side street or in this case the driveway, so if we were to desire access onto
9 Eucalyptus that would require a traffic signal modification.

10
11 **COMMISSIONER VAN NATTA** – So is the main entrance on Edgemont then the
12 only entrance and access that the residents would be allowed to use?

13
14 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct.

15
16 **COMMISSIONER VAN NATTA** – There is not a secondary exit onto another
17 street that they could use if for some reason that was blocked or there was heavy
18 traffic there or no other exit?

19
20 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That's the way it's
21 currently designed. If there were an emergency where the main gate was
22 blocked, the emergency gate to Eucalyptus could be opened to allow residents in
23 and out and the traffic signal along Eucalyptus for the pedestrians could be
24 adjusted to be put on all way flash, so it is flashing red so that people could get in
25 and out of the driveway safely.

26
27 **COMMISSIONER VAN NATTA** - And that would be opened by emergency
28 personnel?

29
30 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct.

31
32 **VICE CHAIR LOWELL** – Why is this project allowed to have only one primary
33 source of access. Projects in the past we have seen conditions where they are
34 required to have at least two entrances. Is it resident specific, meaning if you
35 meet a certain criteria you have to have more than one entrance or is this just
36 standard operating procedure.

37
38 **TRANSPORTATION DIVISION ENGINEER LLOYD** – I can address it from a
39 traffic standpoint. Usually what drives the number of access points is Fire, so I'll
40 handle the traffic first and then I'll let fire speak if that's okay. With regards to the
41 traffic, the Traffic Study indicated that there is enough capacity along Edgemont
42 to handle all of the project traffic. The Traffic Study also looked at the
43 intersection of Edgemont and Eucalyptus and found that with some re-striping in
44 the building out, that this project will do along Edgemont. Again there will be
45 enough capacity at that intersection during the peak hours to accommodate all
46 the project traffic through that intersection. Just as a note, there have been other

1 projects and I apologize, I don't know the exact size and comparative type
2 analysis, but there have been other projects constructed within the past ten years
3 within the City and it comes to mind along Perris Boulevard apartment type
4 projects where there was one resident or visitor type of entry with a secondary
5 access being emergency only, so we're not setting a precedent here. It has been
6 done before. I'm not aware of any operational issues at those locations where it
7 has been done and if Fire wanted to address the number of locations that they
8 require access at.

9
10 **FIRE MARSHALL REINERTSON** – Yes, Fire also has access requirements, so
11 those access requirements speak particularly to emergency response personnel,
12 so they don't really have a whole lot to do with the residents other than the fact
13 we like for our access points to be able to also evacuate, so in an instance like
14 this we have the access points that we need, but we also have the capabilities to
15 open the gates in cases of emergency evacuation of the residents as well, but
16 there is nothing in our code that speaks to the number of access points for
17 residents to utilize in or out of the property.

18
19 **VICE CHAIR LOWELL** – Well the reason that I ask is over the last several
20 meetings we've had quite a few projects of this type, some a little bit larger in
21 caliber and some a little bit smaller in caliber and each one of them have been
22 conditioned to have two points of access for entry and exit for the residents
23 above and beyond the fire access and if my memory serves me correctly, we got
24 into a fairly heated discussion over one of the items recently where they only had
25 one point of access and it was a big argument between the applicant and the City
26 and the Planning Commission. This project seems to be fairly similar to that one
27 and it only has one point of access. Granted there is a second fire access, but
28 that was a big point of contention up here. They had a nice long discussion. Is
29 there any reason why we have limited this to one ingress and egress for the
30 residents?

31
32 **PLANNING OFFICIAL SANDZIMIER** – If I can speak to the other projects that
33 have come before you... There have been three projects that have a residential
34 nature. The one that was most contentious with regard to a second point of
35 access, this Commission did end up approving that project with a condition to
36 assure the secondary emergency access point was going to be included, so it
37 was not approved with simply one access. It was the same configuration as this
38 one which has a main primary vehicular access and the second access is
39 opened in emergency situations only. The third project which actually went
40 before City Council for final consideration this week did have a main point of
41 entrance. It was 121 unit development; one primary entrance; a secondary
42 entrance and then an emergency access location, but all three of them were
43 evaluated in accordance with our code requirements and were reviewed by Fire
44 and by Traffic and that's our process and the recommended approval here this
45 evening does show that the project as presented does meet our requirements.

1 **VICE CHAIR LOWELL** – I was just trying to ensure that we have continuity. I do
2 have another question for Staff. On the revised Fire conditions, it says that attic
3 fire sprinklers are not required. The Fire Chief recommends that the sprinklers
4 designed for these units include appropriate upright sprinklers be installed in attic
5 spaces based on previous experience with the unprotected attic space involved
6 in a fire for protection of residents and property. Just for clarity, this does not
7 exclude interior fire sprinklers within the building. This is above and beyond to
8 add fire sprinklers within uninhabited attic space?
9

10 **FIRE MARSHALL REINERTSON** – Yes exactly. The property because it is a
11 multi-family dwelling is required to be protected with what we call a 13R system,
12 which is for residential and in those residential systems they are not required to
13 have attic sprinklers. It is a life safety system rather than a property protection
14 system, so we had made that recommendation and I spoke about it with the
15 applicant and we decided to remove the recommendation from the final Fire
16 conditions after we had a conversation about it. So there will certainly still be
17 residential fire sprinklers in the building, but it will be built strictly to the code and
18 will not require additional protection above and beyond that.
19

20 **VICE CHAIR LOWELL** – So this item is being removed. It’s not being added?
21

22 **FIRE MARSHALL REINERTSON** – Yes
23

24 **VICE CHAIR LOWELL** – I was just trying to clarify. Thank you. Any other
25 Commissioners have any comments for Staff?
26

27 **COMMISSIONER VAN NATTA** – Is there a traffic light then at Edgemont and
28 Eucalyptus?
29

30 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Currently there is not and
31 I’m not aware of any plans to install one there. By traffic light I’m assuming you
32 mean a traffic signal?
33

34 **COMMISSIONER VAN NATTA** – A signal, yes
35

36 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That’s correct. There is
37 not a traffic signal at that intersection currently and I’m not aware of any plans.
38

39 **COMMISSIONER VAN NATTA** – What traffic control is there? Is there stop
40 signs?
41

42 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That’s correct. The side
43 street; Edgemont has a stop sign.
44

45 **COMMISSIONER VAN NATTA** – But Eucalyptus does not.
46

1 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct

2
3 **COMMISSIONER VAN NATTA** – So you’re going to have a couple of hundred
4 cars coming out to leave and no way of getting onto Eucalyptus if it is busy and
5 you know nobody lets them in?

6
7 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Well there are traffic
8 signals upstream and downstream, so at the old 215 frontage road there is a
9 traffic signal there and there is a traffic signal at Day Street as well, so when
10 they...

11
12 **COMMISSIONER VAN NATTA** – How far away are those?

13
14 **TRANSPORTATION DIVISION ENGINEER LLOYD** – I believe it’s a quarter mile
15 if I’m not mistaken. Maybe less than a quarter mile in each direction and typically
16 when we try to coordinate the signals so that green is given to Eucalyptus so you
17 can progress along the roadway without stopping and then it turns red so that the
18 cross street receives the green which would create gaps within the stream of
19 traffic which would allow Edgemont to enter the traffic stream.

20
21 **COMMISSIONER VAN NATTA** – And the improvements to Edgemont for the
22 project, will they be extending those improvements all the way down to Dracaea?

23
24 **TRANSPORTATION DIVISION ENGINEER LLOYD** – They are not conditioned
25 to do that. They are required to put them in along their project frontage. There
26 would be some transitions in the pavement to bring it back to its current width.

27
28 **COMMISSIONER VAN NATTA** – How much difference is there going to be
29 between the current street and the improved street?

30
31 **TRANSPORTATION DIVISION ENGINEER LLOYD** – I believe they are
32 conditioned to put in a 36 foot wide street and it is currently 24 feet wide, so we
33 are going to have an additional 12 feet along the project frontage.

34
35 **COMMISSIONER VAN NATTA** – So about a 50 percent increase in size?

36
37 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That’s correct in its width.

38
39 **VICE CHAIR LOWELL** – Any other comments? Commissioner Ramirez?
40 Commissioner Baker?

41
42 **COMMISSIONER BAKER** – Not really; no

43
44 **VICE CHAIR LOWELL** – Commissioner Van Natta?

45
46 **COMMISSIONER VAN NATTA** – That’s enough for now

1 **VICE CHAIR LOWELL** – Well I think that concludes our general comments for
2 Staff. I'd like at this time invite the applicant to come up and speak.

3
4 **APPLICANT ALSTON** – Vice Chair Lowell and Commissioners, Wes Alston, PO
5 Box 14679, Long Beach, California. For the applicant Latco, thanks a lot for your
6 time tonight to come hear this project. As Jeff noted, this project has been
7 owned by the seller for a long period of time. Latco is coming in to purchase the
8 property and develop it. They are a family owned company. They design. They
9 build. They manage and hold their properties and as Robert Sr. says, he really
10 has no exit plan. So this is going to be a long term hold project for this family. I'd
11 like to thank Jeff and staff for all their work. This has had just about one of
12 everything you can possibly have as far as the review process and we've made it
13 through it with recommendations from everybody. I'd like to address the water
14 issue a little bit. As part of the mini-storage conditions, there was a requirement
15 to put a 12 inch line that runs across the property from the south to the north and
16 it ties into a 12 inch line that is out in Eucalyptus and one of the reasons was for
17 fire flow and the second reason for that line was to provide circulation within the
18 system itself, so there was some... it brought some depth to the project outside
19 the project area and brought some resources into the project outside the project
20 area that wouldn't have that increase of flow if it wasn't for that 12 inch line that
21 the current property owner put in. Also part of that was to make sure there was
22 emergency backup pump and make sure the current pump system is operating
23 correctly. The actual fire flow at 20 psi for that line that runs across there is 3700
24 gpm. The Fire Department has conditioned us for 1500 gpm and so there is
25 plenty of reserves in that system for the surrounding community. Some of the
26 project benefits and we've already hit on that already is there is 640 thousand
27 dollars going to the water district. Hopefully they'll use that money with matching
28 funds through grant programs to increase that amount of money into the district
29 and help built out their infrastructure and about 400 thousand dollars is going to
30 the Edgemont Community Sewers District. We accept all the conditions. We've
31 reviewed them as they are amended. I know there was a question regarding the
32 fire sprinklers. All these buildings are going to be fire sprinkled under 13R. Also
33 there is one hour separation between the individual units that go up to the roof
34 decking, so that is under the new code also, so with the full fire sprinklers down
35 below which is a live safety system and the one hour separation all the way to
36 bottom of the roofs, should give each individual unit plenty of protection from the
37 other. So we do accept all the conditions as they have been amended and the
38 entire team is here for any questions if you have any of those.

39
40 **VICE CHAIR LOWELL** – Do any of the Commissioners have any questions for
41 the applicant?

42
43 **COMMISSIONER VAN NATTA** – Just clarification, so that separation goes
44 up...it is going to be separating the attics so that the attic from one unit, from one
45 apartment it cannot be accessed from the attic from another apartment.

1 **APPLICANT ALSTON** – That’s correct

2
3 **COMMISSIONER VAN NATTA** – So it will be completely blocked there?

4
5 **APPLICANT ALSTON** – That’s correct

6
7 **VICE CHAIR LOWELL** – Any other questions?

8
9 **COMMISSIONER RAMIREZ** – If approved, when do you plan on breaking
10 ground?

11
12 **APPLICANT ALSTON** – If you approve this tonight, the applicant will put at risk
13 plans into the City, so probably within two months we should hope to be grading.

14
15 **COMMISSIONER RAMIREZ** – Thank you

16
17 **APPLICANT ALSTON** – We actually hoped to be grading right now but we got
18 hung up on other issues with the Airport Land Use Commission.

19
20 **COMMISSIONER VAN NATTA** – Would you consider this project more designed
21 towards middle and lower income families or is it more designed to attract higher
22 rents?

23
24 **APPLICANT ALSTON** – It is work force housing.

25
26 **COMMISSIONER VAN NATTA** – Work force... uh huh

27
28 **VICE CHAIR LOWELL** – Any other comments or questions? Okay at this time
29 I’d like to open the public hearing. If anyone is interested in speaking at time, if
30 haven’t already done so please forward your speaker card and pass it off to our
31 secretary over here. Do we have any public speaking items or speaker slips?

32
33 **GRACE ESPINO-SALCEDO** – I do not have any.

34
35 **VICE CHAIR LOWELL** – We have a couple in the audience.

36
37 **PLANNING OFFICIAL SANDZIMIER** – If I could ask. The speaker has not filled
38 out a card yet. If you could just fill it out after you speak and provide this for our
39 record that would be great. I appreciate that.

40
41 **SPEAKER LEE** – Okay, I own the little property right next to where they are
42 putting...

43
44 **PLANNING OFFICIAL SANDZIMIER** – Also if you could identify yourself. We
45 record these meetings, so if you could identify yourself as well.

46

1 **SPEAKER LEE** – My name is Bernicesteen Lee. I own the little house next door
2 to the property and as far as I’m concerned I think it’s a great idea. It would help
3 the City. It would help the water company. It would help me you know and they
4 have a lot of water flow at this end of the water district, because I own other
5 property down around the corner where the water pressure is very low like 300
6 gallons a minute and I just don’t see anything wrong with it. It would definitely
7 help Moreno Valley and if it comes to a case where they need another exit they
8 can talk to me.

9
10 **COMMISSIONER VAN NATTA** – Which property is yours?

11
12 **SPEAKER LEE** – 21825 Eucalyptus Avenue.

13
14 **VICE CHAIR LOWELL** – Are you the one just to the south of the property.

15
16 **COMMISSIONER BAKER** – The southeast corner

17
18 **VICE CHAIR LOWELL** – Perfect

19
20 **ASSOCIATE PLANNER BRADSHAW** – It’s the home that the apartment project
21 wraps around, so it is the north east corner of project site.

22
23 **VICE CHAIR LOWELL** – Gotcha. So you’re right across from the crosswalk.

24
25 **SPEAKER LEE** – Yes I’m right there. Thank you.

26
27 **VICE CHAIR LOWELL** – Thank you very much.

28
29 **COMMISSIONER BAKER** – Let me ask one question. You live there. Do you
30 see any need for a signal there at Edgemont and Eucalyptus when we get that
31 amount of traffic? I know that would be one more signal on that block we’d have.
32 That’s the only concern I’ve got is getting those people in and out of there at high
33 peak times on Eucalyptus.

34
35 **SPEAKER LEE** – Well I don’t quite see it that way you know; maybe a flashing
36 light or something, but the traffic at times in the morning but not every morning
37 because I have to listen to it.

38
39 **COMMISSIONER BAKER** – Do you have a lot of people dropping kids off at
40 school across the street.

41
42 **SPEAKER LEE** – Yes you do and they have a crosswalk there with a crossing
43 guard and as I say again it would help the City of Moreno Valley.

44
45 **COMMISSIONER BAKER** – Yes I agree with you fully there. Okay thank you.
46

1 **VICE CHAIR LOWELL** – Thank you very much.

2
3 **COMMISSIONER VAN NATTA** – Someone else has a hand up back there Vice
4 Chair.

5
6 **VICE CHAIR LOWELL** – Do we have another speaker?

7
8 **GRACE ESPINO-SALCEDO** – I do not have a slip for him; no.

9
10 **VICE CHAIR LOWELL** – Could you fill out a slip before you leave the meeting
11 today and could you introduce yourself please?

12
13 **SPEAKER MARKS** – My name is Ron Marks. I represent Box Springs Mutual
14 Water Company and hadn't planned on saying anything tonight, but I heard the
15 name so I'm here to address any questions you might have and answer one in
16 particular with respect to the question of funding that we might receive from this
17 project. We've organized an assessment for our shareholders and that goes into
18 a separate fund. The money can only come out of that with the approval of the
19 full board and any money that is received from projects would be the second
20 stream for the income for this capital improvement fund would also go into that
21 fund and wouldn't be released except for capital improvement purposes, so I
22 think that answers the question that was raised previously. If you have any other
23 questions about Box Springs I'd be glad to answer them.

24
25 **VICE CHAIR LOWELL** - I actually had a couple of questions for you. Since you
26 are here it's an opportune time to discuss this with you. What is the water
27 district's timeline for improving the infrastructure for the system as a whole
28 because I know there are portions of the district that are...?

29
30 **SPEAKER MARKS** – I anticipate with projects like this that there will kind of be a
31 snowball effect. We received what was mentioned a large amount of money and
32 if you just estimate the cost of expanding the system at a hundred dollars a foot,
33 it will give you a pretty good estimate and we'll be able to put in a considerable
34 amount of infrastructure with the money that we receive and so as far as our
35 water quality, there's not a lot of... it's kind of a hobby of some people in the
36 newspapers and other venues to basically diminish the quality of the company
37 but the company produces a high standard water; gets high marks from the State
38 in water quality and I think we have more than adequate flow and maybe for
39 future projects right now and maybe for a 20 or 25 percent of the area, so you
40 can anticipate maybe even more activity there as we expand the system. As far
41 as the timeline that will just depend on the regenerative effect of these funds and
42 how quickly we can get the work done.

43
44 **VICE CHAIR LOWELL** – With the large influx of capital into your company, what
45 would be the primary project that you'd work on... what would be the first project
46 or first area of your infrastructure that you'd try to fix?

1 **SPEAKER MARKS** – We’d probably run another line down Edgemont. We
2 already have a backbone system that amounts to the 12 inch line across
3 Eucalyptus and down Day Street to Alessandro and right now that’s the
4 background that is place and anywhere along that line we anticipate adequate
5 fire flow for most projects, so somebody asked what the big change was between
6 the situation now and several years ago and part of it is the addition of a direct
7 connection that backbone of a 12 inch line, so a 12 inch line can give you a lot of
8 fire protection and we have as I said, we have what might be called our
9 backbone in place right now for that fire flow, so right now I think we have the
10 quality, we have the potential for expansion and I think that maybe at this rate
11 with additional projects and additional income that would come from our
12 connection fees, five years might be a 80 percent completion in five years.
13 That’s a guess, but I think it is a well-considered one.

14
15 **COMMISSIONER VAN NATTA** – What was your name sir?

16
17 **SPEAKER MARKS** – Marks... M A R K S. I’m the Acting President of Box
18 Springs Mutual Water Company and am the Chairman of the Board.

19
20 **COMMISSIONER VAN NATTA** – That was going to be my next question was
21 your position with the Board... Acting President and Chairman of the Board?

22
23 **SPEAKER MARKS** – That’s correct

24
25 **VICE CHAIR LOWELL** – Thank you very much. Does anyone else have any
26 questions for Ron? I don’t believe we have any more Speaker Slips do we
27 Grace?

28
29 **GRACE ESPINO- SALCEDO** – We do not

30
31 **VICE CHAIR LOWELL** – Before I close the Public Hearing, would the Applicant
32 like to respond to anything they heard here tonight? No, okay, then I’d like to
33 close the Public Hearing at this time. Now it’s time for us to discuss it. Would
34 anybody like to say anything?

35
36 **COMMISSIONER VAN NATTA** – I’ll start. I was going to say my initial thought
37 about this project was rather negative, especially given the problems I’d heard
38 about the water district and I just have to say it was very helpful to have Mr.
39 Marks here to give us direct information about how the funds would be applied
40 and what go on there. The only other concern I have is about access to the
41 property if there is only one entrance and exit and it can only go one way which is
42 up to Eucalyptus because the road going down to Dracaea is not going to be
43 completed, it is only going to be the 24 foot wide that is currently there, which last
44 time I was on it I don’t think it was in all that great a condition. That is a concern
45 to me. The other thing is that crosswalk, even though there is going to be maybe
46 a crossing guard there at the time that school is opening and closing for the day,

1 I've seen crosswalks that have been embellished with lights in the street that
2 flash when somebody pushes a little button when they want to go across and just
3 provides an additional level of safety for crossing the street at that point. Has that
4 been considered as an option for that crosswalk?

5
6 **TRANSPORTATION DIVISION ENGINEER LLOYD** – There are rules within the
7 MUTCD which is our Manual of Uniform Traffic Control Devices established by
8 the State on utilization of those in-ground lights and I apologize, I don't recall
9 exactly the rules in place, but I don't think they are allowed at a signalized
10 location and this is a signalized crosswalk, so if a person wishes...

11
12 **COMMISSIONER VAN NATTA** – Signalized...

13
14 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That's correct, so a
15 person wishing to cross at that crosswalk pushes the push button, which then
16 turns the signal red along Eucalyptus and it gives them a signal at the pedestrian
17 signal that they can cross at that time.

18
19 **COMMISSIONER VAN NATTA** – Excuse me, I think... are we talking about the
20 same crosswalk. I'm talking about the one that is in the middle of the street?

21
22 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That's correct.

23
24 **COMMISSIONER VAN NATTA** – It is signalized?

25
26 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Yes it is.

27
28 **VICE CHAIR LOWELL** – It stops traffic so pedestrians can walk

29
30 **COMMISSIONER VAN NATTA** – Okay, alright, I did not get that

31
32 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Okay, I apologize if I
33 wasn't more clear.

34
35 **COMMISSIONER VAN NATTA** – Okay

36
37 **VICE CHAIR LOWELL** – It's actually one of the nicer crosswalks in the City
38 because it is signalized with crossing guards right in front of a school. It's a great
39 addition to a school site, so I really appreciate that.

40
41 **COMMISSIONER VAN NATTA** – I think basically my questions were
42 reservations have pretty much been answered and I'm in favor of the project.

43
44 **PLANNING OFFICIAL SANDZIMIER** – Mr. Chairman if I may. Mr. Bradshaw
45 just dropped of a color board to Commissioner Ramirez. It is being passed
46 around to you. I'm kind of excited about the project in the fact that the applicant

1 is ready to break ground if it does move forward. The project in this particular
2 area could be a good catalyst. What we're trying to show here with the materials
3 board is you can almost touch and feel and see what the buildings will start to
4 look like if this project goes forward and so those are available in your report, but
5 this is more real life. We just wanted to make sure you saw those before you
6 acted on the project. Thank you.

7
8 **COMMISSIONER RAMIREZ** – Well I think it's a great project. It is definitely
9 going to bring improvements to the neighborhood. Concerns regarding the water
10 flow have been addressed and I'm ready to vote for this project.

11
12 **COMMISSIONER BAKER** – I think this is a great project and like the other
13 Commissioners say, it is going to be a big boost to that Edgemont and you know
14 you've got to have revenue or people in the area to make it work, so this is a
15 shot. We haven't... I think the last one we approved was that burger place that
16 these people own down the street and we had some water pressure problems at
17 the time we approved that, but we need to get some properties in there so that
18 the water district can get some funds and revenue to move forward. I think it is a
19 great idea and it fits well in that particular area, so I'm going to vote for it.

20
21 **VICE CHAIR LOWELL** – I too had some reservations about only having one
22 point of access to the site with a secondary emergency access, but I think that
23 has been negated through our discussion today. I also like the fact that
24 somebody is willing to put money and a nice looking project in a part of town that
25 definitely needs a little bit of attention; a little bit of love. I really like this project
26 and even making it better is that the fact that Robertson's Redi-Mix Plant around
27 the corner has been moved so it's better fit for the area not having a large
28 industrial look to it. It is going to attract some people in the neighborhood. I think
29 this is a great project. At this time I'd like to ask for a motion.

30
31 **COMMISSIONER VAN NATTA** – I can make a motion. They can be combined.
32 We don't have to do each recommendation separately do we?

33
34 **CITY ATTORNEY EARLY** – I would recommend doing at least the General Plan
35 resolution separately just because the voting requirements are different on that
36 one, which would be the first of the three.

37
38 **COMMISSIONER VAN NATTA** – Okay. Then I move that we **APPROVE**
39 Resolution No. 2015-06 and thereby **RECOMMEND** that the City Council;

- 40 1. **ADOPT** a Mitigated Negative Declaration for General Plan Amendment
41 PA14-0043, pursuant to the California Environmental Quality Act
42 Guidelines; and,
43 2. **APPROVE** General Plan Amendment application PA14-0043 based on
44 the findings contained in this resolution and as shown on the attachment
45 included as Exhibit A.
46

1 **VICE CHAIR LOWELL** – Do we have a second?

2
3 **COMMISSIONER BAKER** – I’ll second that

4
5 **VICE CHAIR LOWELL** – Can we have a roll call vote please?

6
7 **COMMISSIONER RAMIREZ** – Yes

8
9 **COMMISSIONER BAKER** – Yes

10
11 **COMMISSIONER VAN NATTA** – Yes

12
13 **VICE CHAIR LOWELL** – Yes

14
15 **GRACE ESPINO-SALCEDO** – And just a reminder that Commissioner Barnes is
16 recused.

17
18 **COMMISSIONER VAN NATTA** – And I also move that we **APPROVE** Resolution
19 No. 2015-07 and thereby **RECOMMEND** that the City Council:

- 20 1. **ADOPT** a Mitigated Negative Declaration for Zone Change application
- 21 PA14-0044 pursuant to the California Environmental Quality Act
- 22 Guidelines and;
- 23 2. **APPROVE** Zone Change application PA14-0044 based on the findings
- 24 contained in this resolution and as shown on the attachment included as
- 25 Exhibit A and;

26
27 **APPROVE** Resolution No. 2015-07 and thereby **RECOMMEND** that the
28 City Council:

- 29
- 30 1. **ADOPT** a Mitigated Negative Declaration for Plot Plan application PA14-
- 31 0042 pursuant to the California Environmental Quality Act Guidelines and;
- 32 2. **APPROVE** Plot Plan application PA14-0042 based on the findings
- 33 contained in this resolution and subject to the attached conditions of
- 34 approval included as Exhibit A.

35
36 **CITY ATTORNEY EARLY** – Would that be as amended?

37
38 **COMMISSIONER VAN NATTA** – As amended.

39
40 **COMMISSIONER BAKER** – I’ll second that

41
42 **VICE CHAIR LOWELL** - We have a motion and a second. Can we have a roll
43 call vote please?

44
45 **COMMISSIONER RAMIREZ** – Yes

46

1 **COMMISSIONER BAKER** – Yes

2
3 **COMMISSIONER VAN NATTA** – Yes

4
5 **VICE CHAIR LOWELL** – Yes

6
7 **GRACE ESPINO-SALCEDO** – With Commissioner Barnes recused

8
9
10 **OTHER COMMISSION BUSINESS**

11
12 **VICE CHAIR LOWELL** – Okay, that brings us to Other Business. Are there any
13 other business items?

14
15 **COMMISSIONER VAN NATTA** – We could invite our excused...

16
17 **PLANNING OFFICIAL SANDZIMIER** – There are none.

18
19 **COMMISSIONER BAKER** – We should probably do a Staff wrap up maybe.

20
21 **COMMISSIONER VAN NATTA** - But we have someone who is excused for this
22 item. He could come back in.

23
24 **VICE CHAIR LOWELL** – Is Mr. Barnes sitting in the lobby or did he leave for the
25 day?

26
27 **PLANNING OFFICIAL SANDZIMIER** – I believe he was leaving for the day. I
28 don't think he is still here.

29
30 **COMMISSIONER VAN NATTA** – Okay then I guess he's not here. Sorry.

31
32 **VICE CHAIR LOWELL** – Do we need a Staff wrap up after that last item?

33
34 **PLANNING OFFICIAL SANDZIMIER** – The Staff wrap up on that one is the item
35 before you was a General Plan Amendment and a Zone Change and a Plot Plan.
36 The General Plan Amendment and Zone Change; the approval authority rests
37 with the City Council and because the Plot Plan cannot be moved forward
38 without the approval of the General Plan Amendment and the Zone Change, that
39 also will be acted on by the City Council, so the City Council will be the final
40 arbiter decision making body on those three applications. The date for that
41 hearing has not yet been set. The second meeting in April it will go to the City
42 Council.

43
44 **VICE CHAIR LOWELL** – Thank you. Do we have any other business items to
45 discuss?

46

1 **PLANNING OFFICIAL SANDZIMIER** – There are none

2
3
4 **STAFF COMMENTS**

5
6 **VICE CHAIR LOWELL** – Okay, do we have any Staff comments?

7
8 **PLANNING OFFICIAL SANDZIMIER** – The only Staff comment I'd like to make
9 is if you hadn't had an opportunity yet to meet our new Director of Community &
10 Economic Development, Mike Lee did start with us at the beginning of the month.
11 He's been a warm addition to the Staff. I think Mr. Lowell was able to meet with
12 him just before this meeting this evening, but if you do have the opportunity to
13 meet with him, I've had a chance to tour the City with him. He's got some good
14 ideas and good energy and I think it's a warm addition to our department. Thank
15 you.

16
17
18 **PLANNING COMMISSIONER COMMENTS**

19
20 **VICE CHAIR LOWELL** – Do we have any Commissioner Comments?

21
22 **COMMISSIONER VAN NATTA** – Good night

23
24
25 **ADJOURNMENT**

26
27 **VICE CHAIR LOWELL** – Okay, well I think that does it. That concludes our
28 meeting. The meeting is adjourned to our next regular meeting on March 26th,
29 2015.

30
31
32
33
34
35
36 _____
37 Richard Sandzimier
38 Planning Official
39 Approved

_____ Date

40
41
42
43
44 _____
45 Brian Lowell
46 Vice Chair

_____ Date

Minutes Acceptance: Minutes of Mar 12, 2015 7:00 PM (APPROVAL OF MINUTES)

1 CITY OF MORENO VALLEY PLANNING COMMISSION
2 REGULAR MEETING
3 CITY HALL COUNCIL CHAMBER – 14177 FREDERICK STREET
4

5 Thursday March 26th, 2015, 7:00 PM

6
7 CALL TO ORDER

8
9 ROLL CALL

10
11 PLEDGE OF ALLEGIANCE

12
13 APPROVAL OF THE AGENDA

14
15 CHAIR SIMS – Okay, the first step here tonight is to get a motion to approve the
16 Agenda for this evenings meeting. Can I have a first?

17
18 COMMISSIONER VAN NATTA – I move for approve of the Agenda

19
20 VICE CHAIR LOWELL – I'll second

21
22 CHAIR SIMS – Okay we have a first and second. Grace can we have roll call
23 vote?

24
25 COMMISSIONER BAKER – Yes

26
27 COMMISSIONER BARNES – Yes

28
29 COMMISSIONER VAN NATTA - Yes

30
31 COMMISSIONER RAMIREZ – Yes

32
33 VICE CHAIR LOWELL – Yes

34
35 CHAIR SIMS - Yes

36
37 APPROVAL OF MINUTES

38
39 *None*

40
41 PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE
42 MEETING

43
44 *(On display in the rear of the room)*
45

1 **COMMENTS BY ANY MEMBER OF THE PUBLIC ON ANY MATTER WHICH**
2 **IS NOT LISTED ON THE AGENDA AND WHICH IS WITHIN THE SUBJECT**
3 **MATTER JURISDICTION OF THE COMMISSION**
4

5 *Upon request, this agenda will be made available in appropriate alternative*
6 *formats to persons with disabilities, in compliance with the Americans with*
7 *Disabilities Act of 1990. Any person with a disability who requires a modification*
8 *or accommodation in order to participate in a meeting should direct such request*
9 *to Mark Sambito, ADA Coordinator, at 951-413-3120 at least 48 hours before the*
10 *meeting. The 48 hour notification will enable the City to make reasonable*
11 *arrangements to ensure accessibility to this meeting.*
12

13
14 **CHAIR SIMS** – Okay that bring us to our public comments portion of the Agenda.
15 This is the time for any member of the public to address us any matter which is
16 not listed on the Agenda and which is within the subject matter jurisdiction of our
17 Commission. So Grace, do we have any Speaker Slips?
18

19 **GRACE ESPINO-SALCEDO** – We do not have any Speaker Slips.
20

21
22 **NON-PUBLIC HEARING ITEMS**
23

24 *None*
25

26 **CHAIR SIMS** – So I guess that would conclude our public comments at this
27 point.
28

29
30 **PUBLIC HEARING ITEMS**
31

- 32 1. Case Description: **PA14-0058 Conditional Use Permit**
33 Applicant: Verizon Wireless
34 Owner: Shepherd of the Valley Lutheran Church
35 Representative: Spectrum Services Inc. (Ms. Sunnshine Schupp)
36 Location: 11650 Perris Blvd. (Shepherd of the Valley
37 Lutheran Church
38 Proposal: A Conditional Use Permit (CUP) for a new
39 Wireless Communications Facility with a 55 ft.
40 Monopalm Tree
41 Case Planner: Claudia Manrique
42
43
44
45
46

1 **Recommendation:**

2
3 **APPROVE** Resolution No. 2015-05 and thereby:

- 4
5 1. **CERTIFY** that the proposed Verizon wireless telecommunications
6 facility is exempt from the provisions of the California Environmental
7 Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA
8 Guidelines, Section 15303 for New Construction or Conversion of
9 Small Structures; and
10
11 2. **APPROVE** Conditional Use Permit PA14-0058 based on the findings
12 contained in Planning Commission Resolution 2015-05, subject to the
13 conditions of approval included as Exhibit A of the Resolution.
14

15 **CHAIR SIMS** – So that bring us to our Public Hearing. Our first item and our only
16 item on the Public Hearing that I know unless we have anything to be added is a
17 Conditional Use Permit for a new wireless communications facility with a 55 foot
18 monopalm tree. Is there a Staff Report on this item?
19

20 **PLANNING OFFICIAL SANDZIMIER** – There is Mr. Chairman. I'd like to
21 introduce Claudia Manrique to give you this report.
22

23 **ASSOCIATE PLANNER MANRIQUE** – Good evening. I'm Claudia Manrique.
24 The proposal is for a Conditional Use Permit for a new wireless
25 telecommunications facility which includes a 50 foot tall monopalm tree structure.
26 The equipment structure is surrounded by an eight foot tall split face block wall
27 which will match existing split face block walls along the existing facility that is
28 also on the site and the trash enclosure. The proposed facility is located at
29 11650 Perris Boulevard, which is the Shepherd of the Valley Lutheran Church.
30 Up here we have the aerial footage showing the project site. It is towards the
31 back of the church property along the southern border.
32

33 There is an existing neighboring AT&T wireless facility which is also a monopalm
34 operating on the site and it was constructed back in 2005 and this will remain on
35 site. The proposed 50 foot tall monopalm will fill in a gap of cell coverage
36 capacity for Verizon. The design of the monopalm blends in with existing trees
37 species on site. Again there is an existing monopalm for AT&T as well as some
38 live palms in the project area. Here we have... this shows the layout of the site
39 plan including the equipment shelter and the proposed palm tree and it is within
40 the heavy black dash line area. Directly to the west, that is the existing palm and
41 equipment shelter that will remain. This shows the palm tree. Another view of
42 the palm tree and then the applicant has prepared the photo sims which are
43 here, which will show what the palm tree will look like. And this is looking south
44 from the school buildings onto the project site. This is further away, so you get
45 an idea what it is going to look like from a distance and this is from Perris

1 Boulevard itself when you are looking directly east into the church property and
2 further in the background you can see where the tree is going to be.

3
4 The site is currently developed within an existing church, which also has a
5 daycare and a school; pre-school and kindergarten. The parcels around are
6 residential R5 and include mostly single family houses. There is the Northridge
7 Elementary School directly north of this site. Vehicle access will be off of Perris
8 Boulevard through the church parking lot back to the lease area and the
9 applicant is also providing one assigned next to the equipment shelter for
10 maintenance purposes. The project is exempt under CEQA, Section 15303 for
11 New Construction or Conversions of Small Structures.

12
13 Public notification was sent to all property owners within 300 feet on March 13th
14 as well as posted on the site on March 13th and in the Press Enterprise
15 newspaper on March 14th. We have one minor change to the conditions of
16 approval for P8. The statement for the condition ends with the monopalm shall
17 be designed to accommodate co-locations. With the palm tree structures, they
18 are not able to co-locate, especially at the height that this tree is proposed which
19 is 55 feet, so we are just going to ask to delete the last comment sentence of P8.
20 And then we are recommending approval of Resolution 2015-05, certifying that
21 the project is exempt under CEQA and approve Conditional Use Permit PA14-
22 0058. Thank you.

23
24 **CHAIR SIMS** – Okay thank you for the Staff Report. Do any of the
25 Commissioners have questions of Staff they’d like to ask before we bring up the
26 Applicant?
27

28 **VICE CHAIR LOWELL** – I have one. Just to clarify, you said the last sentence is
29 of P8; the sentence that reads, the monopalm shall be designed to accommodate
30 co-locations with future connections provided for at the base of the monopalm
31 structure. That line and that sentence specifically is being deleted?
32

33 **ASSOCIATE PLANNER MANRIQUE** – Yes
34

35 **CHAIR SIMS** – Any other questions of Staff? Okay we’d like to welcome the
36 applicant to come up and give their statement about the project. Please state
37 your name.
38

39 **APPLICANT** – My name is Sunnshine Schupp. I’m with Spectrum Services on
40 behalf of Verizon Wireless and I can answer any questions if you have any.
41

42 **CHAIR SIMS** – Commissioners, anything?
43

44 **COMMISSIONER BARNES** – It’s pretty straightforward. I have no questions of
45 the applicant.
46

1 **CHAIR SIMS** – Thank you. Well done. Nice Staff Report or project report.
2 Okay, so I would for form...

3
4 **PLANNING OFFICIAL SANDZIMIER** – You do have to formally open the Public
5 Hearing even though it looks empty, just in case.

6
7 **CHAIR SIMS** – Okay, so I’m going to open the Public Hearing and I’m going to
8 ask if there is anyone interested in speaking on this item. If you have not already
9 filled out a speaker card and provided to our recording secretary, so Grace do we
10 have anything?

11
12 **GRACE ESPINO-SALCEDO** – We have no speaker slips.

13
14 **CHAIR SIMS** – Okay, being that we haven’t heard anything, I would close the
15 Public Hearing on this matter. I guess my only question was there any... I did
16 have a question. Was there any objections or anything received by Planning
17 Staff to the proposed project?

18
19 **ASSOCIATE PLANNER MANRIQUE** – No there wasn’t

20
21 **CHAIR SIMS** – Okay, now is the time to discuss it; if we have any discussion on
22 the item or I would welcome a motion.

23
24 **COMMISSIONER BARNES** – I do have a question of Staff. Is there a specific
25 setback from property lines for cell antennas?

26
27 **ASSOCIATE PLANNER MANRIQUE** – It depends on the location. Because this
28 is an existing church, we use the same setback as the tree that is existing which
29 did meet the current setback requirements.

30
31 **COMMISSIONER BARNES** – Okay, which is what?

32
33 **ASSOCIATE PLANNER MANRIQUE** – Twenty feet

34
35 **COMMISSIONER BARNES** – Twenty feet, okay thank you

36
37 **CHAIR SIMS** – So if we have a motion, if the motion could include the
38 modification proposed by Staff to condition P8, which would eliminate the last
39 sentence of that condition.

40
41 **COMMISSIONER VAN NATTA** – I move that we **APPROVE** Resolution No.
42 2015-05 and thereby:

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- 1. **CERTIFY** that the proposed Verizon Wireless telecommunications facility is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures; and
- 2. **APPROVE** Conditional Use Permit PA14-0058 based on the findings contained in Planning Commission Resolution 2015-05, subject to the conditions of approval included as Exhibit A of the Resolution with the elimination of the last sentence of P8.

COMMISSIONER BAKER – I’ll second that

CHAIR SIMS – Okay we have a first and a second. Can we have the vote?

COMMISSIONER RAMIREZ – Yes

COMMISSIONER BAKER – Yes

COMMISSIONER VAN NATTA – Yes

COMMISSIONER BARNES – Yes

VICE CHAIR LOWELL – Yes

CHAIR SIMS – Yes

CHAIR SIMS – Is there a concluding statement for this from Staff?

PLANNING OFFICIAL SANDZIMIER – This item is a Conditional Use Permit which is typically approved at the discretion of the Planning Commission, however it is appealable to the City Council. Any affected property owner or any affected person has 15 days to file an appeal. If we receive an appeal it will be scheduled with the City Council within 30 days and that would conclude our report.

OTHER COMMISSION BUSINESS

1. Planning Commission Rules of Procedure

Recommendation: **ADOPT** the Planning Commission Rules of Procedure as amended by the Planning Commission on January 8th, 2015

1 **CHAIR SIMS** – Okay, that moves down into Other Business and what we have
2 on here is Planning Commission Rules of Procedure, which have been closely
3 scrutinized, analyzed, modified and discussed thoroughly at our prior meetings,
4 but if there is anything that Staff would like to report on that, I'd turn that over.

5
6 **PLANNING OFFICIAL SANDZIMIER** – Sure. Mr. Chairman and fellow
7 Commissioners up there, I would like to just reiterate for the record that the Rules
8 of Procedure were presented to the Planning Commission in extensive detail at
9 the January 8th meeting. In working with our City Attorney's Office, we have
10 provided a red line version of that document. There has been only I think a
11 couple of very minor slight changes since the January 8th meeting. Those
12 revised documents were provided for you this evening. Within the Rules of
13 Procedure the Commission is authorized every July to review the Rules of
14 Procedure just on an annual basis, however there is also provision on the last
15 page of the Rules of Procedure which says that the Planning Commission can
16 make modifications to the Rules of Procedure at any meeting based on a
17 majority vote of the Commission, so this evening since we are not in July, we still
18 can address these this evening and that is the provision that we'll be using this
19 evening. I'd like to just ask Paul Early from our City Attorney's Office if there is
20 anything he'd like to provide for clarification on the record.

21
22 **CITY ATTORNEY EARLY** – No I have nothing else to add since our prior
23 discussions I think we discussed those minor changes, but if there any other
24 questions I'd be happy to answer them any time.

25
26 **CHAIR SIMS** – Does anyone have any questions or comments?
27

28 **VICE CHAIR LOWELL** – I have two questions. It's not really groundbreaking,
29 but I have a question. On the second page, it is item number 2; it says
30 responsibilities, then A. for chairperson, it says call special meetings of the
31 Commission in accordance with the legal requirements of these rules and
32 procedures. What special meetings would you be referring to?
33

34 **CITY ATTORNEY EARLY** – Special meeting is anything that is not a regular
35 meeting, so in the event that the Chair wanted to call or the Planning Staff had a
36 time sensitive issue that needed to be dealt with before the next regular meeting,
37 a special meeting can be called on 24 hours' notice. There is special noticing
38 requirements under the Brown Act for that, but that is what is being referred to
39 here as opposed to anything but the regular twice monthly Thursday night
40 scheduled ones.

41
42 **VICE CHAIR LOWELL** – And that's not something that originated from up here,
43 it originated on the Staff side of things, but the Chair would just call the meeting?
44

45 **CITY ATTORNEY EARLY** – Generally speaking if that issue arose, Staff would
46 bring it to the Chair's attention that we have an issue that is time sensitive and

1 we want to get it on for the next regularly scheduled meeting and it would be
2 incumbent upon the Chair to authorize that. It then would be noticed and
3 everybody would be informed of that. It is the same procedure with that the
4 Council uses by the way.

5
6 **PLANNING OFFICIAL SANDZIMIER** – If I may just add a little bit, the regular
7 meetings; the term “regular” means that they are held on the second and fourth
8 Thursday of the month starting at 7 o’clock in the evening, so you could have a
9 special meeting that could happen on the second or fourth Thursday of the
10 month if you wanted to start at a different time, so if you said for whatever reason
11 we wanted to start at 4 o’clock on that day, that would constitute a special
12 meeting because you have adjusted the actual starting time. The other thing that
13 would be a special meeting would be any other day of the week or any other day
14 of the month that doesn’t fall on that second or fourth Thursday of the month, so
15 those are special meetings. With regard to the special meeting is also being
16 called for a special reason, so you would have... really the Agenda would be
17 limited for the special purpose of that meeting, so if you started at 4 o’clock to
18 have a special meeting on a specific topic, you could adjourn from the special
19 meeting and then go right into your regular meeting at 7 o’clock on that particular
20 Thursday for other items, so there are some nuances with regard to how special
21 meetings are conducted, but that is a little more.

22
23 **VICE CHAIR LOWELL** – Good to know. Then the second question I had was
24 under rules of testimony. It says a person presenting testimony to the
25 Commission is requested to give their name and address for the record. Do we
26 really need their address or is that included on the speaker slips that are given?

27
28 **CITY ATTORNEY EARLY** – It is generally included on the request. I believe it is
29 on the speaker slips. We can’t mandate that. By law it is requested mostly so
30 that Staff or the Commission can follow up with the individual if necessary. It is a
31 voluntary issue, but it is something that is generally requested of speakers.

32
33 **VICE CHAIR LOWELL** – Thank you I appreciate it.

34
35 **COMMISSIONER BARNES** – I have a question and I apologize for not catching
36 this when he discussed this previously, but 1c 1c, the absence of a Chairperson
37 and Vice Chairperson and any other member may call the Commission to order.
38 I read that to mean that if five of the seven were here and the two missing were
39 the Chair and Vice Chair, we could not have a meeting. It seems like we have a
40 higher obligation of five of us are here to both the public and the Staff to have a
41 meeting. Should that be reworded to say something about we shall have a
42 meeting but any member can call the meeting to order?

43
44 **COMMISSIONER VAN NATTA** – That’s basically what it says I believe.

45
46 **CITY ATTORNEY EARLY** – Well yeah that’s essentially what it says

1 **COMMISSIONER BARNES** – Is that what it’s meaning?

2
3 **VICE CHAIR LOWELL** – We actually went back and forth on that. It actually
4 said may and then it went to shall and then it went back to may.

5
6 **CITY ATTORNEY EARLY** – The ‘may’ and the ‘shall’ is related to your duty as a
7 particular Commissioner to be the one to call it to order. There is no mandate
8 that you particularly take on that responsibility. If no one calls it to order then you
9 wouldn’t end up having a meeting, but any one of you may. None of you are
10 compelled to, but if any of you call it to order, then the very first action of
11 business would be to vote on who is going to be the Chair for that meeting.

12
13 **COMMISSIONER BARNES** – Alright

14
15 **CHAIR SIMS** – You know what, because I’m getting old, I forget things. Did we
16 talk about the start time of these meetings at seven and moving it to maybe a
17 little earlier? I came Tuesday night to the Council meeting and it started at six
18 and it seemed to be a packed house. They had to bring in additional chairs so
19 everybody was able to make it. I’m certainly open to... I can’t remember if we
20 talked about it. I can’t remember.

21
22 **VICE CHAIR LOWELL** – We did discuss it and the intent was to give the public a
23 little bit more time to make it from wherever they are to the meetings.

24
25 **COMMISSIONER VAN NATTA** – Including Commissioners who have other
26 obligations.

27
28 **VICE CHAIR LOWELL** – I’m okay with staying at seven unless somebody has
29 some burning desire to start earlier.

30
31 **COMMISSIONER BARNES** – No preference

32
33 **VICE CHAIR LOWELL** – Well in that case we could always call a special
34 meeting and start it at six.

35
36 **COMMISSIONER VAN NATTA** – I’m okay with leaving it.

37
38 **CHAIR SIMS** – I’m agnostic on it. I just couldn’t remember if we talked about it,
39 so it has been asked and answered. I’ve got my...

40
41 **COMMISSIONER VAN NATTA** – I’d like to put a mandatory end time on it.

42
43 **CHAIR SIMS** - I don’t think that’s possible. That’s why I was just hoping to move
44 it. If we moved it to six, then we would have more time between six and twelve
45 o’clock at night.

46

1 **COMMISSIONER VAN NATTA** – Yeah but I might be late from time to time.

2
3 **CHAIR SIMS** – Alright

4
5 **VICE CHAIR LOWELL** – I think that’s it.

6
7 **CHAIR SIMS** – So do we proceed with getting a motion to adopt it?

8
9 **PLANNING OFFICIAL SANDZIMIER** – That would be the appropriate
10 procedure.

11
12 **VICE CHAIR LOWELL** – I’ll make a motion. I motion to **ADOPT** the Planning
13 Commission Rules and Procedures as amended by the Planning Commission on
14 January 8th, 2015.

15
16 **COMMISSIONER BAKER** – I’ll second that

17
18 **PLANNING OFFICIAL SANDZIMIER** – May I ask as amended and presented in
19 the Agenda packets this evening, because I believe there is a slight amendment.
20

21 **CITY ATTORNEY EARLY** – You’ll want to use todays date

22
23 **PLANNING OFFICIAL SANDZIMIER** – Yeah, you just want to use todays date.

24
25 **VICE CHAIR LOWELL** – And to verify today is the 26th. Okay I will make a new
26 motion. I motion to **ADOPT** the Planning Commission Rules and Procedures as
27 amended by the Planning Commission on March 26th, 2015.

28
29 **COMMISSIONER BAKER** – And I’ll second that.

30
31 **CHAIR SIMS** – We have a first and a second, can we call for the vote.

32
33 **COMMISSIONER RAMIREZ** – Yes

34
35 **COMMISSIONER VAN NATTA** – Yes

36
37 **COMMISSIONER BARNES** – Yes

38
39 **COMMISSIONER BAKER** – Yes

40
41 **VICE CHAIR LOWELL** – Yes

42
43 **CHAIR SIMS** – Yes

44
45 **CHAIR SIMS** – Any follow up on this or does this conclude the action?
46

1 **PLANNING OFFICIAL SANDZIMIER** – That concludes the item there.

2
3
4 **STAFF COMMENTS**

5
6 **CHAIR SIMS** – Okay, so we're down in the Agenda to any Staff Comments.

7
8 **PLANNING OFFICIAL SANDZIMIER** – I do have a few. First and foremost I
9 want to congratulate Commissioner Sims, Commissioner Van Natta and
10 Commissioner Barnes on your re-appointment to the Commission. I look forward
11 to working with you for another few years. The terms for Commissioner Van
12 Natta will expire on the 31st of March 2017. The terms for Commissioner Barnes
13 and Commissioner Sims will expire on March 31st, 2019. In addition to the three
14 of you rejoining the Commission, I also am proud and look forward to announcing
15 a new Commissioner, Patricia Korzec. Her term will start the first meeting that
16 we have in April, which at this point is scheduled for April 23rd.

17
18 In accordance with the Rules and Procedures that you've just adopted and it has
19 been in there all along, the first meeting in April is the time when the Commission
20 will be selecting a new Chairman and a new Vice Chair, so if you guys want to
21 think that through at least you have a month before that will take place.

22
23 It may be of interest to the Commissioners to know the outcome of two recent
24 appeals. The Commission did review two residential projects that were
25 subsequently appealed and went to the City Council. The first one was Nova
26 Homes, which was a 122 unit Planned Unit Development that was approved by
27 the Planning Commission on December 11th. It was appealed and considered by
28 the City Council on March 10th. The project applicant Nova Homes and the
29 appellant were able to agree on some modifications to the project. Those
30 modifications could also be supported by Staff and the City Council elected to
31 approve that project as modified. It ended up with one reduced unit, so instead
32 of 122 units, it ended up being up being 121 units and there was some other
33 modifications to the project. The second one was a proposal by Frontier
34 Communities. When the Planning Commission considered it on January 8th, it
35 was a proposal between 72 and 76 units for another Planned Unit Development
36 off of Cottonwood Avenue. That one was appealed and it was subsequently
37 scheduled for a City Council Hearing on March 24th, which was earlier this week.
38 On the day of the scheduled City Council Meeting, we did receive a letter from
39 the applicant asking that the project be withdrawn. In withdrawing the project,
40 the project no longer is a valid project and becomes void, so there is no project
41 on that particular site. There was no Hearing necessary.

42
43 I do want to remind the Planning Commissioners that you are required to submit
44 an annual FPPC, the Fair Political Practice Commission Form 700. If you have
45 not done that yet, you have until April 1st to do it. You should have received an
46 email from the City Clerk's Office. If you have any questions regarding that form,

1 please let us know. We can put you in contact with the City Clerk. Contact
2 Grace and we can help you with that. It is available to be filed online, so I think it
3 is a fairly straightforward process.

4
5 Earlier today I sent out an email to the Commissioners regarding our computer
6 use and security policy. If you had a chance to look at that, it speaks for itself in
7 the email. It gives you a choice. If you would like to have an email account set
8 up, it's not mandatory and I'll leave it to the discretion of each Commissioner to
9 let us know how you would like to go with that, but in order to have that sort of
10 account set up, you would have to fill out the form that was sent to you. If you
11 could, just return that to Grace. Our next scheduled meeting is April 23rd. As of
12 now we have at least two items on the Agenda. One is a Public Hearing for the
13 Modular Logistics Center that is proposed by Kearny Real Estate Company. It
14 was on your Agenda for March 12 and it was continued to the April 23rd meeting.
15 The second one is a proposed convenience store with alcohol sales, so those
16 are the two items that we know at this point and that concludes Staff's
17 comments.

18
19
20 **PLANNING COMMISSIONER COMMENTS**

21
22 **CHAIR SIMS** – Thank you. Do we have any Commissioner Comments this
23 evening?

24
25 **COMMISSIONER VAN NATTA** – I want to talk just long enough to get past 23
26 minutes after seven.

27
28 **CHAIR SIMS** – Very good. At your discretion.

29
30 **COMMISSIONER VAN NATTA** – Okay, I'm done. I think we've passed the 23
31 minutes.

32
33
34 **ADJOURNMENT**

35
36 **CHAIR SIMS** – Okay, I think we're looking for the motion to adjourn this meeting.

37
38 **COMMISSIONER VAN NATTA** – So moved

39
40 **VICE CHAIR LOWELL** – I'll second

41
42 **CHAIR SIMS** – Is everybody in favor? All right we're done. Thank you.
43
44
45
46

1 **NEXT MEETING**

2 *Planning Commission Regular Meeting, April 23rd, 2015 at 7:00 pm, City of*
3 *Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno*
4 *Valley, CA, 92533.*
5
6
7
8
9

10
11
12
13
14 _____
15 Richard Sandzimier
16 Planning Official
17 Approved
18
19
20
21
22
23
24
25
26

Date

27 _____
28 Jeffrey Sims
29 Chair
30
31
32
33
34
35
36
37

Date

Minutes Acceptance: Minutes of Mar 26, 2015 7:00 PM (APPROVAL OF MINUTES)

1 CITY OF MORENO VALLEY
2 PLANNING COMMISSION
3 REGULAR MEETING
4 CITY HALL COUNCIL CHAMBER – 14177 FREDERICK STREET
5
6

Thursday April 23rd, 2015, 7:00 PM

7
8 **CALL TO ORDER**
9

10 Introduction and Swearing-in of New and Re-appointed Commissioners

- 11 • Patricia Korzec (new)
- 12 • Jeffrey Sims (re-appointed)
- 13 • Meli Van Natta (re-appointed)
- 14 • Jeffrey Barnes (re-appointed)

15
16 **CHAIR SIMS** – Good evening. It's 7:01. Welcome to the April 23rd, 2015,
17 Regular Meeting of the Planning Commission, City of Moreno Valley. Tonight is a
18 special night for the Commission as we'll be introducing and swearing-in our new
19 and re-appointed Commissioners, so I'd like to ask the City Clerk, Jane Halstead
20 to step forward and conduct this swearing-in ceremony.
21

22 **CITY CLERK HALSTEAD** – Will Patricia Korzec, newly appointed, come on
23 down; Jeffrey Sims, re-appointed; Meli Van Natta, re-appointed; Jeffrey Barnes,
24 re-appointed and I'll conduct the swearing-in. Please raise your right hand and
25 repeat after me and state your name where applicable. I, do solemnly swear that
26 I will support and defend the constitution of the United States and the constitution
27 of the State of California against all enemies foreign and domestic, that I will bear
28 true faith and allegiance to the constitution of the United States and the
29 constitution of the State of California, that I take this obligation freely, without any
30 mental reservation or purpose of evasion and that I will and faithfully discharge
31 the duties upon which I am about to enter. Congratulations and I've got a little
32 pin for you.
33
34

35 **ROLL CALL**
36

37 **Commissioners Present:**

38 Chair Lowell
39 Vice-Chair Sims
40 Commissioner Baker
41 Commissioner Lowell
42 Commissioner Ramirez
43 Commissioner Sims
44 Commissioner Barnes
45

1 Staff Present:

2 Mike Lee, Community & Economic Development Director
3 Richard Sandzimier, Planning Official
4 Claudia Manrique, Associate Planner
5 Clement Jimenez, Land Development Engineer
6 Suzanne Bryant, City Attorney
7 Michael Lloyd, Senior Transportation Engineer
8 Randy Metz, Fire Marshall
9

10
11 PLEDGE OF ALLEGIANCE
12

13
14 APPROVAL OF THE AGENDA
15

16 CHAIR SIMS – Okay, Staff has asked that we add a presentation of recognition
17 item onto the Agenda for our former Commissioner, Mr. Jeff Giba, so can I get a
18 motion to approve the addition to our Agenda from one of our Commissioners?
19

20 COMMISSIONER BARNES – So moved
21

22 CHAIR SIMS – So we have Commissioner Barnes first
23

24 VICE CHAIR LOWELL – I’ll second
25

26 CHAIR SIMS – And a second. Do we need to do a roll call?
27

28 COMMISSIONER RAMIREZ – Yes
29

30 COMMISSIONER BARNES – Yes
31

32 COMMISSIONER KORZEC – Yes
33

34 COMMISSIONER BAKER – Yes
35

36 COMMISSIONER VAN NATTA – Yes
37

38 VICE CHAIR LOWELL – Yes
39

40 CHAIR SIMS – Yes
41

42 CHAIR SIMS – Okay so that brings us to the presentation and I’d like to ask our
43 Planning Official, Rick Sandzimier to lead us through that.
44

45 PLANNING OFFICIAL SANDZIMIER – Thank you. I’d like to invite forward
46 Former Commissioner Jeff Giba and now City Councilmember for the City. We

1 just want to take a moment before your former peers and the residents of Moreno
2 Valley and Staff. Well we had a plan for that. We're going to give it to you
3 anyways at some point, but as the Planning Official for the City of Moreno Valley,
4 it has been my pleasure in the short time I've been here to be able to work with
5 you as a Commissioner and I'm seeing you in action now as a Councilmember. I
6 know your commitment to the City is immeasurable. It is deep. I know you are
7 very interested in what goes on here in Moreno Valley and so it is with great
8 pride that I get to sit here, even though I didn't get to work with you all the years
9 you were here and there are a lot of people here that might have some things to
10 say after I make these couple of words, but this is a plaque in honor of Jeffrey
11 Giba in recognition and appreciation of your three years of dedicated service,
12 your service to the community. Your service and commitment is greatly
13 appreciated to the successful growth and development of the City of Moreno
14 Valley as a Commissioner from September 13th, 2011 to December 8th, 2014.
15 Thank you very much. This is for you. I will give you a chance to address the
16 audience and also this evening, we do have our Economic Development Director
17 Mike Lee who has not yet had a chance to talk to our Commission but at a point
18 here, I'd like to have Mike step forward also and say a couple of words to
19 yourself and to the Commission, so you're up.
20

21 **FORMER COMMISSIONER GIBA** – I'll keep it really short. This is a surprise. I
22 came here for them. I didn't come here for me. I am truly honored. It is over
23 three years actually and I have to honestly say I have never missed a meeting
24 because I enjoyed being here and working with all of you; the Planning
25 Commission team up here. Well I affectionately call them my homies, so I
26 support them 100 percent in the City and I thank you very much. Thank you.
27

28 **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR** – Good evening
29 Chairperson and members of the Planning Commission. My name is Mike Lee.
30 I'm the Community and Economic Development Director. I just wanted to come
31 out and welcome everybody. I wanted to come out a little bit earlier to greet all
32 the Planning Commissioners, but understanding that there was swearing-in
33 today, I think that there was a better appropriate time to come out and introduce
34 myself and also it is a great opportunity to have a chance to see Councilmember
35 Giba receive the presentation of the plaque, so it was kind of a two for one. I'm
36 very happy to be in the City and excited to be serving the City Council and also
37 serving you. Thank you.
38

39 **CHAIR SIMS** – Welcome aboard. Do any of the Commissioners have anything
40 to add?
41
42

43 **APPROVAL OF MINUTES**
44

- 45 • March 12th, 2015
- 46 • March 26th, 2015

1
2
3 **CHAIR SIMS** – Okay moving along, the next thing on the Agenda is approval of
4 the minutes. We have two minute packages on our Agenda today, so the first
5 one is the minutes of the March 12th, 2015 Commission meeting. You have
6 those in your packet; if you have reviewed them; if everything is... I'm going to be
7 abstaining from this one, I wasn't at the meeting, so I'm going to abstain from
8 voting, so I'm looking for a Commissioner to make a motion.

9
10 **VICE CHAIR LOWELL** – I'll motion to approve the minutes.

11
12 **COMMISSIONER BAKER** – I'll second

13
14 **CHAIR SIMS** – Okay we have a first and a second.

15
16 **COMMISSIONER VAN NATTA** – Yes

17
18 **COMMISSIONER BAKER** – Yes

19
20 **COMMISSIONER BARNES** – Yes

21
22 **COMMISSIONER RAMIREZ** – Yes

23
24 **VICE CHAIR LOWELL** – Yes

25
26 **GRACE ESPINO-SALCEDO** – Abstaining we have Sims and Korzec

27
28 **CHAIR SIMS** – Okay the next item on the Agenda is the consideration of the
29 minutes of March 26th, 2015 Commission Meeting. Those also were in your
30 packet for review. If they are good to go, I'd look for a motion.

31
32 **COMMISSIONER VAN NATTA** – I move to approve

33
34 **COMMISSIONER BAKER** – I'll second

35
36 **CHAIR SIMS** – Okay we have a first and second.

37
38 **COMMISSIONER RAMIREZ** – Yes

39
40 **COMMISSIONER BARNES** – Yes

41
42 **COMMISSIONER BAKER** – Yes

43
44 **COMMISSIONER VAN NATTA** – Yes

45
46 **VICE CHAIR LOWELL** – Yes

1
2 **CHAIR SIMS** – Yes

3
4 **GRACE ESPINO-SALCEDO** – Commissioner Korzec will abstain

5
6
7
8 **ELECTION OF OFFICERS**

- 9
10
 - Chairman
 - Vice-Chairman11

12
13
14 **CHAIR SIMS** – Okay, this bring us to the first... this is the first meeting in April,
15 which per our Rules and Procedures for this Commission is the time to elect
16 Officers. So the process is we need to elect a Chairperson position and then
17 also the Vice Chair to serve for a one year period.

18
19 **COMMISSIONER VAN NATTA** – I nominate Brian Lowell for Chair.

20
21 **CHAIR SIMS** – I second that. Do we have any other nominations? Okay, we are
22 looking for a vote.

23
24 **PLANNING OFFICIAL SANDZIMIER** – You’ll want to close the nominations for
25 the Chair.

26
27 **COMMISSIONER BAKER** – I move that we close the nominations.

28
29 **COMMISSIONER BARNES** - Second

30
31 **COMMISSIONER RAMIREZ** – Yes

32
33 **COMMISSIONER BARNES** – Yes

34
35 **COMMISSIONER KORZEC** – Yes

36
37 **COMMISSIONER VAN NATTA** – Yes

38
39 **COMMISSIONER BAKER** – Yes

40
41 **CHAIR SIMS** – Yes

42
43 **GRACE ESPINO-SALCEDO** – Vice Chair Lowell, do you accept?

44
45 **VICE CHAIR LOWELL** – Yes

1 **CHAIR SIMS** – Okay, so that bring us to the next...

2
3 **PLANNING OFFICIAL SANDZIMIER** – If I may interject...

4
5 **CHAIR SIMS** – So is it time to switch?

6
7 **PLANNING OFFICIAL SANDZIMIER** – Is it customary that the new Chairman
8 actually be able to entertain the nominations for the new Vice Chairman, so that
9 would be customary way to go. You don't have to switch seats yet; we'll wait
10 until the next part is done and then we can switch.

11
12 **COMMISSIONER SIMS** – Congratulations

13
14 **CHAIR LOWELL** – Thank you I appreciate it. Thank you for appointing me
15 Chair. I'd like to open up the nominations for the Vice Chair position.

16
17 **COMMISSIONER VAN NATTA** – I'd like to nominate Jeffrey Sims for Vice Chair.

18
19 **COMMISSIONER BARNES** – I'll second that.

20
21 **CHAIR LOWELL** – Is that the end of nominations?

22
23 **COMMISSIONER BAKER** – I'd like to close nominations or move to close the... I
24 move that we close the nominations.

25
26 **CHAIR LOWELL** – I'll second that. Can we have a vote please Grace?

27
28 **COMMISSIONER VAN NATTA** – Yes

29
30 **COMMISSIONER BAKER** – Yes

31
32 **COMMISSIONER KORZEC** – Yes

33
34 **COMMISSIONER BARNES** – Yes

35
36 **COMMISSIONER RAMIREZ** – Yes

37
38 **CHAIR LOWELL** – Yes

39
40 **GRACE ESPINO-SALCEDO** – Commissioner Sims do you accept?

41
42 **CHAIR SIMS** – Yes

43
44 **PLANNING OFFICIAL SANDZIMIER** – Now you want to take a vote on the
45 actual Vice Chair. That was a vote to close the nomination so the next one is to
46 take a motion to approve the nomination.

1
2 **CHAIR LOWELL** – Okay can we have a roll call vote to approve the nomination
3 of Jeffrey Sims as the Vice Chair?
4

5 **CITY ATTORNEY EARLY** – I think we still need a motion and a second. There
6 was just an interjecting motion there that confused it, so we need to take a
7 motion again to appoint Commissioner Sims as the Vice Chair and a second.
8

9 **COMMISSIONER VAN NATTA** – Okay I move to appoint Jeffrey Sims as Vice
10 Chair.
11

12 **COMMISSIONER BAKER** – I’ll second that.
13

14 **CHAIR LOWELL** – Okay a motion and a second. Can we have a roll call vote
15 please?
16

17 **COMMISSIONER RAMIREZ** – Yes
18

19 **COMMISSIONER BARNES** – Yes
20

21 **COMMISSIONER KORZEC** – Yes
22

23 **COMMISSIONER SIMS** – Yes
24

25 **COMMISSIONER BAKER** – Yes
26

27 **COMMISSIONER VAN NATTA** – Yes
28

29 **CHAIR LOWELL** – Yes
30

31 **CHAIR LOWELL** – Okay can we take a quick recess to switch seats around?
32

33 **PLANNING OFFICIAL SANDZIMIER** – That would be great
34

35 **CHAIR LOWELL** – Okay a quick recess. Now that we’re back and finished with
36 the election of the officers we are now moving to the Public Comments portion of
37 our Agenda.
38
39
40

41 **PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE**
42 **MEETING**
43

44 *(On display in the rear of the room)*
45
46

1 **COMMENTS BY ANY MEMBER OF THE PUBLIC ON ANY MATTER WHICH**
2 **IS NOT LISTED ON THE AGENDA AND WHICH IS WITHIN THE SUBJECT**
3 **MATTER JURISDICTION OF THE COMMISSION**
4

5 *Upon request, this agenda will be made available in appropriate alternative*
6 *formats to persons with disabilities, in compliance with the Americans with*
7 *Disabilities Act of 1990. Any person with a disability who requires a modification*
8 *or accommodation in order to participate in a meeting should direct such request*
9 *to Mark Sambito, ADA Coordinator, at 951-413-3120 at least 48 hours before the*
10 *meeting. The 48 hour notification will enable the City to make reasonable*
11 *arrangements to ensure accessibility to this meeting.*
12
13

14 **CHAIR LOWELL** – Now that brings us to the public comments portion of the
15 Agenda. This is the portion of the meeting where comments by any member of
16 the public on any matter which is not listed on the Agenda and which is within the
17 subject matter jurisdiction of the Commission. Grace do we have any Speaker
18 Slips?
19

20 **GRACE ESPINO-SALCEDO** – I do not have any speaker slips.
21
22
23
24

25 **NON-PUBLIC HEARING ITEMS**
26
27

28 **CHAIR LOWELL** – Okay, I guess then we'll do the Public Comments portion of
29 the meeting and then we'll go to the Non-Public Hearing Items and I see we have
30 no Non-Public Hearing Items.
31

32 **PLANNING OFFICIAL SANDZIMIER** – We have none
33
34
35
36

37 **PUBLIC HEARING ITEMS**
38

39 **Note:** At the Applicant's request, Item 1 was continued from the Regular
40 Planning Commission Meeting of March 12th, 2015.
41

- 42 1. Case Description: PA13-0063 Plot Plan
43 P13-130 Environmental Impact Report (EIR)
44 Applicant: Kearny Real Estate Company
45 Owner: Kearny Real Estate Company

1 Representative: Jason Rosin, Kearny Real Estate Company
 2 Location: 17300 Perris Blvd. (NEC of Perris Blvd. and
 3 Modular Way
 4 Proposal: A Plot Plan for the construction of a 1,109,378
 5 square foot warehouse building on 50.68 net
 6 acres with the demolition of the existing
 7 warehouse facility. The project site is in the
 8 Moreno Valley Industrial Area Specific Plan
 9 208. Approval of this project will require the
 10 Review and certification of an EIR.
 11 Case Planner: Claudia Manrique

12
13 **Recommendation:**

14
15 **APPROVE** Resolution No. 2015-03 and Resolution No. 2015-04 and
16 thereby:

- 17 1. **CERTIFY** that Final Environmental Impact Report (EIR), P13-130, for
 18 the Modular Logistics Center on file with the Community & Economic
 19 Development Department, has been completed in compliance with the
 20 California Environmental Quality Act, the Planning Commission
 21 reviewed and considered the information contained in the Final EIR,
 22 and the Final EIR reflects the City’s independent judgment and
 23 analysis as provided for in Planning Commission Resolution 2015-03.
- 24 2. **ADOPT** the Findings and Statement of Overriding Considerations
 25 regarding the Final EIR for the Modular Logistics Center, attached
 26 hereto as Exhibit A to Resolution 2015-03.
- 27 3. **APPROVE** the Mitigation Monitoring Program for the Final EIR for the
 28 proposed Modular Logistics Center, attached hereto as Exhibit B to
 29 the Resolution 2015-03.
- 30 4. **APPROVE** PA13-0063 Plot Plan, subject to the attached Conditions of
 31 Approval included as Exhibit A to Resolution 2015-04.

32
33
34
35 **CHAIR LOWELL** – Okay, I’ll keep moving us on down the line. Now we are
 36 moving on to the Public Hearing Items of our Agenda and the first Public Hearing
 37 Item is a Plot Plan and an Environmental Impact Report filed by the Kearny Real
 38 Estate Company for a 1.1 million square foot modular logistics warehouse,
 39 located on 50.68 acres on the northeast corner of Perris Boulevard and Modular
 40 Way. Is there a Staff Report on this item?

41
42 **PLANNING OFFICIAL SANDZIMIER** – Yes there is. I’d like to introduce
 43 Associate Planner Claudia Manrique to give us our Staff Report today.

44
45 **ASSOCIATE PLANNER MANRIQUE** – Good evening. I’m Claudia Manrique,
 46 Project Planner for PA13-063 Plot Plan and P13-130, the EIR. The applicant,

1 Kearny Real Estate Company is proposing a Plot Plan for a 1.1 million square
2 foot industrial warehouse. It is located at 17300 Perris Boulevard, which is the
3 northeast corner of Perris Boulevard and Modular Way. The proposed
4 warehouse facility is located within the Industrial Area Specific Plan. The sites
5 adjacent to the project are also zoned Industrial and are within the Industrial
6 Specific Plan as well. Properties to the north include a recently constructed
7 555,000 square foot industrial distribution center and several other constructed
8 warehouse facilities are further west. To the south is Walgreen’s Distribution
9 Facility and to the east is the Moreno Valley Regional Water Reclamation
10 Facility. It is a waste water treatment facility, which is operated by Eastern
11 Municipal Water District. The Plot Plan includes 1,109,378 square foot building
12 which includes an approximately 20,000 square feet of office space and the rest
13 is warehouse space. The truck loading areas are to the north and south of the
14 building, with 225 loading bays and truck parking within screened areas. The
15 auto parking will be located on the east and west side of the building. This is the
16 site plan right here. The proposed building is a concrete tilt-up that is designed
17 up to 42 feet in height. The screen walls included in the building are designed to
18 be complimentary to the design and colors of the building. The project was
19 submitted in November of 2013 and has been designed and conditioned to meet
20 the City Municipal Code and Specific Plan requirements. The environmental
21 review process included a scoping meeting, a Draft EIR and the Final EIR. The
22 Final EIR includes comments and responses from letters received during the
23 Draft EIR period. The environmental documents were completed by T & B
24 Planning and concurred by Staff. The Final EIR included significant and
25 unavoidable impacts which are described in the Final EIR. Mitigation Measures
26 have been included for approval with this project. After the Final EIR was
27 circulated, the City received some written communications from Mr. George
28 Hague, via email, dated March 2nd and which focused on traffic and air quality
29 concerns. They are printed on the white paper in front of you. Excuse me, I’m
30 sorry, the white paper is the response to his comments by T & B Planning. So
31 Cal Environmental Justice Alliance provided via mail, a letter dated April 22nd,
32 which is provided tonight on green paper. The Alliance feels that the EIR didn’t
33 address environmental justice concerns, focusing only on the physical
34 environment and prior to providing our recommendations, Tracy Zen is here from
35 T & B Planning to provide information on the EIR.

36
37 **SPEAKER ZEN** – Okay, I think it’s working now. I’m going to start over. My
38 name is Tracy Zen with the consulting firm T & B Planning and we prepared the
39 Environmental Impact Report for the project. I’m going to summarize the CEQA
40 process briefly and conclude for you the conclusions of the EIR that you are
41 being asked to certify this evening. The City prepared an Initial Study that was
42 released for a 30 day public review period in March of 2014. Seven comment
43 letters were received on the scope of the EIR and the EIR addressed all of the
44 comments that were received during that period. The scoping meeting that Staff
45 mentioned was held in April of 2014 had very low attendance. There were two
46 attendees. We received verbal comments on the scope of the EIR and

1 addressed those as well. Over the next seven months, the Environmental Impact
2 Report was prepared along with numerous technical studies that are appended
3 and part of the record. The EIR was released for public review for 30 days in
4 November of 2014. Upon the close of that public review period, five comment
5 letters were received and as Staff mentioned, written responses to all those
6 comments are included in the Final EIR. There is an errata of changes and
7 additions included in the EIR as Table F-2. If you review that table, you'll see
8 that all of the modifications that were made to the document between the time
9 the draft was circulated and the Final EIR was circulated, was just simply
10 clarifications or amplifications of the information that was included in the draft.
11 Therefore the Final EIR did not need to be re-circulated. In conclusion, the EIR
12 found that all impacts would be mitigated to below the level of significance
13 through the application of 49 mitigation measures that the EIR documents and
14 that have been replicated as conditions of approval on the project. The impacts
15 that could not be mitigated to below the level of significance and therefore you
16 are being asked to consider a Statement of Overriding Considerations this
17 evening are a few. The first is regional air quality emissions from NOX, nitrogen
18 oxides from vehicle exhaust. On projects like this there are a lot of vehicle traffic
19 coming to and from the project and by the sheer nature and size of the project,
20 the tailpipe emissions exceed the significant standards of the South Coast Air
21 Quality Management District. Engine requirements, fuel standards, engine
22 standards are all regulated by the State and Federal Government and are
23 beyond the scope of the City, therefore the EIR concluded that there were no
24 feasible mitigation measures that the City could apply to this project to fully
25 reduce that impact level of significance. Greenhouse gas was also found as
26 significant and unmitigable for the same reason. In a sheer abundance of
27 caution, the EIR also concluded that cumulative construction noise may be
28 significant and unmitigable because there are additional parcels around the site
29 that might be under simultaneous construction. There is no way to really to tell
30 exactly when projects are going to be constructed. We conservatively concluded
31 that if by chance multiple projects in this area are under construction at exactly
32 the same time, there might be some cumulative noise impacts during the
33 construction process. And then lastly under the subject area of traffic, this
34 project will have some traffic impacts on congested intersections and roadway
35 segments as well as a couple of segments on the freeway. The project is
36 conditioned to provide or pay development impact fees and the TUMF fees, but
37 because, which would fully mitigate those impacts; fee payment is a completely
38 acceptable form of mitigation under CEQA, but because the improvements might
39 not be physically in place at the time the project starts contributing traffic to those
40 locations, we wanted to make sure there was full disclosure that those areas will
41 continue to experience congestion until the improvements come on line, including
42 the ramps at Harley Knox and I-15 in the City of Perris that are beyond the
43 jurisdiction of Moreno Valley. Staff mentioned the two comments letters that
44 were received after the EIR was circulated. You have our written response to the
45 email communication from Mr. Hague and then the letter from So Cal
46 Environmental Justice that was received this morning. Because of the late arrival

1 of that letter, we did not have time to prepare a written response, but we did
2 review the letter in detail and feel that the EIR does address all the points in that
3 letter. I'm not going to do that now but I'm prepared to respond to that letter if
4 you would like me to. So in conclusion in our professional opinion, the EIR is a
5 fully informative document and about the environmental consequences of this
6 project and it would be appropriate for you to certify the EIR this evening in
7 association with your consideration of the project. I'm available for any questions
8 you have. Also the consultant that prepared the Traffic Study, the Greenhouse
9 Gas Study, the Health Risk Study and the Air Quality Report and Noise Report
10 are here if you have any technical questions to address to them. Thank you.

11
12 **CHAIR LOWELL** – Thank you. Do any of the Commissioners have questions for
13 Staff?

14
15 **PLANNING OFFICIAL SANDZIMIER** – We have a little bit more of the
16 presentation that Claudia still has to give.

17
18 **ASSOCIATE PLANNER MANRIQUE** – I'll start back with... public notice was
19 sent to all property owners within record of 300 feet of the project on March 2nd.
20 The public hearing notice for this project was also posted on site on March 2nd,
21 as well as published in the Press Enterprise Newspaper on March 1st. As of the
22 date of today we have received no public inquiries except the two letters; the
23 email from George Hague which has been addressed and the letter from the
24 Alliance that was received this morning. We have one change from Special
25 Districts, condition SD4. It is on the pink memo in front of you. They are
26 changing to revise from existing irrigation in the parkway to modify the existing
27 irrigation of the median. And Staff recommends approval of Resolution 2015-03
28 and 04, thereby certifying the Final EIR document and adopt the findings and
29 Statement of Overriding Considerations regarding the Final EIR; approve the
30 Mitigation Monitoring Program for the Final EIR and approve PA13-0063, the Plot
31 Plan. Thank you.

32
33 **CHAIR LOWELL** – Thank you Claudia. Do any of my fellow Commissioners
34 have any questions for Staff?

35
36 **COMMISSIONER VAN NATTA** – I just had one question. Mr. Hague's letter
37 refers to three Moreno Valley Schools that border on or touch the Heacock Street
38 and that being a truck route and yet I'm looking at the map here. Can anybody
39 tell me which schools he is talking about? I don't see Heacock being affected in
40 any way directly by this project site.

41
42 **CHAIR LOWELL** – I do believe there are schools closer if you go farther down
43 north down Heacock, like towards Ironwood, Eucalyptus and that area, but in this
44 general vicinity I don't recall any.

45

1 **VICE CHAIR SIMS** – Yeah, I think the thing is that Heacock is on the City’s traffic
2 circulation and it’s a truck route, so they have access up to the 60. I think when
3 reading through this stuff they said that 90 percent of the traffic analysis had 90
4 percent of the traffic from the project would go either out to Harley Knox out to
5 the 215 and 10 percent or less would be going up Heacock to 60.

6
7 **COMMISSIONER VAN NATTA** – Okay, thank you.

8
9 **CHAIR LOWELL** – Any other comments for Staff?

10
11 **VICE CHAIR SIMS** – I do have one question. What year specifically was
12 Specific Plan 208 that maybe just for... give a little color on what the Specific
13 Plan 208 kind of for the record and for the folks that are listening, what Specific
14 Plan 208 does for land use and when was that approved?

15
16 **PLANNING OFFICIAL SANDZIMIER** – I don’t know the exact date. Maybe
17 Claudia knows the exact date for Specific Plan 208, but Specific Plan 208
18 includes the southern part of the City. It is an industrial development area right at
19 the north edge of the City of Perris as it comes into the City of Moreno Valley and
20 it extends up to approximately Cactus.

21
22 **VICE CHAIR SIMS** – Well you have in your package where the limits are. It
23 encompasses all of this property

24
25 **PLANNING OFFICIAL SANDZIMIER** – Exactly. Its general an industrial area and
26 the Specific Plan calls for how an industrial development area would be built out
27 over time. The uses that are allowed in there are industrial, warehouse,
28 manufacturing type uses. It is consistent with what the proposed use for this
29 building would be. It is an industrial manufacturing job center. It would be
30 predominantly jobs. There is some residential development in this area but it is
31 predominantly larger buildings.

32
33 **VICE CHAIR SIMS** – Could you remind me; could you remind us all of what is to
34 the development west of Specific Plan 208 and to the south of Specific Plan 208
35 for consistency purposes?

36
37 **ASSOCIATE PLANNER MANRIQUE** – Further west is the March Reserve Air
38 Base.

39
40 **VICE CHAIR SIMS** – And to the south what is the land use in the City of Perris
41 adjacent to Specific Plan 208?

42
43 **ASSOCIATE PLANNER MANRIQUE** – I believe it is all industrial as well.

44
45 **VICE CHAIR SIMS** – Thank you.

46

1 **CHAIR LOWELL** - If there are no other comments I'd like to move on. Would the
2 applicant like to provide us with a further presentation on the project?

3
4 **APPLICANT ROSIN** – Hello. It is a pleasure to be here tonight. My name is
5 Jason Rosin. I'm the Vice President with Kearny Real Estate Company and
6 Kearny Modular Way who is the owner of the project. We were founded in 1993
7 and we've been in business for over 20 years. This has been a very exciting
8 project to work on. We've been involved... we are a full service real estate
9 company; commercial real estate company involved in everything from property
10 management to asset management, leasing, investments, development, re-
11 development and this project certainly fits what we do very well. We've been
12 involved in over four billion dollars' worth of transactions over the last 20 years
13 and the bulk of that has all been in Southern California. We've entitled 500 acres
14 approximately over the course of our history encompassing as much as 10
15 million square feet in total maximum build-out. Modular Logistics Center which is
16 the project that is before you, we appreciate you hearing it and we're looking
17 forward to moving on to the next phase to bring a user here hopefully and getting
18 it built and creating jobs for the community. We pride ourselves in creating value,
19 not only for our investors and the tenants that occupy our buildings, but also the
20 community and so that is the next phase that we're really looking to do and
21 hoping we can do it as quickly as possible, so thank you. Feel free to ask me
22 any questions if you'd like.

23
24 **CHAIR LOWELL** – Thank you. Does anybody have any questions for the
25 applicant?

26
27 **COMMISSIONER VAN NATTA** – Yes. So as a real estate development
28 company, you're working on getting this approved, but you don't have a tenant
29 for it yet?

30
31 **APPLICANT ROSIN** – Not at the moment, no

32
33 **COMMISSIONER VAN NATTA** – So is it likely once you get a tenant there might
34 be modifications that would be brought forward for review and approval?

35
36 **APPLICANT ROSIN** – Quite possibly. It is hard to know for sure, because it is
37 hard to know whether at the end of the day you built it as a build to suit for a
38 particular tenant or you build it on a speculative basis. Certainly if you do end up
39 having a build to suit, you know changes are always possible, but in general you
40 know the plan is to build a building that you see before you.

41
42 **COMMISSIONER VAN NATTA** – So would your company be involved in doing
43 the build to suit or are you looking to get the approval for the property so that you
44 can sell the property with the approvals in place?

45

1 **APPLICANT ROSIN** – At the end of the day, I’m not entirely sure as to what may
2 happen. Our goal would be to build a project for a user. That would be our
3 objective and that would be the ideal plan for us.

4
5 **COMMISSIONER VAN NATTA** – Thank you.

6
7 **CHAIR LOWELL** – I have a quick question for you. What is the benefit to
8 demolishing the existing structure that is on the facility as opposed to a new
9 piece of property to entitle?

10
11 **APPLICANT ROSIN** – Well a couple of things. One, I think aesthetically you’ll
12 end up with a much nicer looking property that is more consistent with what will
13 be occurring and already has started to occur in the immediate vicinity from a
14 development perspective. Two; the existing facilities, although it is a nice metal
15 building, it is in many respects obsolete and certainly not the highest and best
16 use of the property. There are fifteen employees for that facility and certainly we
17 think the development that we’re doing is significantly more efficient, so I think it
18 is more beneficial from not only a value perspective and aesthetic perspective
19 but also from a jobs creation perspective as well.

20
21 **CHAIR LOWELL** – Thank you. If there are no other questions for the
22 applicant...

23
24 **COMMISSIONER RAMIREZ** – So in other words you don’t have a tenant at this
25 time but do you have an idea what kind of a tenant you want to bring in and how
26 many jobs you anticipate will be created?

27
28 **APPLICANT ROSIN** – I think every tenant at the end of the day is different. The
29 types of tenants could range from the Amazon’s; the Hanes brands; the Home
30 Depot’s; the Lowes. All the tenants that are already in this market and tenants
31 like those are the types of users that use these facilities and so at the end of the
32 day it is hard to know exactly what tenant would be occupying the space. From a
33 jobs creation perspective, you know once again I think there is some variability
34 there, but my guess would be in the range of 200 or 300 to over 500. It really
35 depends on the final build out and what that user’s intent is and what exactly is
36 going on in the building and what they need it for, so there is definitely some
37 variability there and I know from a study perspective, you can only look at kind of
38 what the averages are, but so it’s hard to know for sure.

39
40 **COMMISSIONER RAMIREZ** – Thank you.

41
42 **CHAIR LOWELL** – So if there are no other comments for the applicant, I’d like to
43 move on to the public comment portion of this item. If there is anyone interested
44 in speaking on this item, please fill out a speaker slip card and provide it to our
45 recording secretary if you have not done so already. Grace has anyone filled out
46 a speaker slip?

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GRACE ESPINO-SALCEDO – I do not have any speaker slips at this time.

PLANNING OFFICIAL SANDZIMIER – Do you want to formally open the public hearing? Saying moving on to the public hearing is fine but just for the record open and then close.

CHAIR LOWELL – I would like to open the public hearing. Do we have any public speaker slips Grace?

GRACE ESPINO-SALCEDO – We do not have any speaker slips.

CHAIR LOWELL – Then I’ll move to close the public hearing. Would any Commissioners like to comment?

VICE CHAIR SIMS – I do if that’s okay. I looked through the documentation that was provided to us and these were going to be as part of this and asked to make findings for and I forget the exact term...overriding considerations. Is that what is the term here and there were several and my focus mainly on air quality and the traffic when I look at these things. What I find with the project though is it is located specifically in a well suited area for warehouse industrial type land use. It is what has been there. It was has been planned for 25 years or more as part of the Specific Plan that the City approved. The area is now just starting to build out there to create the jobs in that planned area. Also as far as the air quality considerations, I’ve looked over that fairly carefully and even though there is going to be exceedences that can’t be mitigated, the fact of it is that the South Coast Air Basin entire basin is impacted by NOX and SOX and based on the amount of cargo movement within the South Coast Air Basin, it doesn’t really make sense to put mitigation measures specifically by the City of Moreno Valley that would control emissions on engines that would otherwise need to by set the State or Federal Government, so I think it is kind of a no win situation as far as trying to say a project like this, even though incrementally makes a non-attainable goal that the South Coast Air Quality Basin sets with the current engine emissions. I think it makes sense not to require... it makes sense that overriding findings for at least the air quality make sense. I probably said more than I need to right there, but anyhow that’s what I kind of got out of it.

CHAIR LOWELL – Any other Commissioner comments? I’m in line with Mr. Sims over here. I do believe that the vehicle exhaust for a commercial site is an overriding consideration. If this site were to be developed as a residential, you’d have a far greater impact on the environment. You’d have more car traffic than truck traffic. You’d have more air pollution and more greenhouse gases. This project fits in the exact mold that the rest of the City has been barking about asking for us to put logistical warehouses on the southern portion of the City and not over to the east of our City. This fits in a place that is already zoned for it. It

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1 is on an already industrial site. I think this is a pretty good solution to what
2 everybody is asking for. Would anybody like to make a motion?

3
4 **COMMISSIONER VAN NATTA** – Sure. I move that we **APPROVE** Resolution
5 No. 2015-03 and Resolution No. 2015-04 and thereby:

- 6
7 1. **CERTIFY** that the Final Environmental Impact Report (EIR), P13-130,
8 for the Modular Logistics Center on file with the Community &
9 Economic Development Department, has been completed in
10 compliance with the California Environmental Quality Act, the Planning
11 Commission reviewed and considered the information contained in the
12 Final EIR, and the Final EIR reflects the City's independent judgment
13 and analysis as provided for in Planning Commission Resolution
14 2015-03.
- 15
16 2. **ADOPT** the Findings and Statement of Overriding Considerations
17 regarding the Final EIR for the Modular Logistics Center, attached
18 hereto as Exhibit A to Resolution 2015-03.
- 19
20 3. **APPROVE** the Mitigation Monitoring Program for the Final EIR for the
21 proposed Modular Logistics Center, attached hereto as Exhibit B to the
22 Resolution 2015-03.
- 23
24 4. **APPROVE** PA13-0063 Plot Plan, subject to the attached Conditions of
25 Approval included as Exhibit A to Resolution 2015-04.

26
27
28 **CITY ATTORNEY EARLY** – Would that last one be as amended?

29
30 **COMMISSIONER VAN NATTA** – Yeah I was just looking at that to see if that
31 was the one that it went to... as amended by memorandum dated April 20th,
32 2015.

33
34 **COMMISSIONER BAKER** – I'll second that

35
36 **CHAIR LOWELL** – We have a motion and a second. Grace can we have a roll
37 call vote please.

38
39 **COMMISSIONER RAMIREZ** – Yes

40
41 **COMMISSIONER BARNES** – Yes

42
43 **COMMISSIONER KORZEC** – Yes

44
45 **COMMISSIONER VAN NATTA** – Yes

1 **COMMISSIONER BAKER** – Yes

2
3 **VICE CHAIR SIMS** – Yes

4
5 **CHAIR LOWELL** – Yes

6
7 **CHAIR LOWELL** – Is there a Staff wrap up for this item?

8
9 **PLANNING OFFICIAL SANDZIMIER** – There is. Per our Municipal Code, action
10 on the Plot Plan and Certification of the Environmental Impact Report does rest
11 with the authority of the Planning Commission as the final decision making body,
12 however any effected person by this project has the right to appeal your decision
13 to the City Council. They have 15 days to do so. That appeal would be filed with
14 the Community Development Director and if an appeal is filed it would be
15 scheduled for a hearing before the City Council within 30 days.

16
17 **CHAIR LOWELL** – Thank you

- 18
- 19
- 20
- 21 2. Case Description: PA14-0062 Conditional Use Permit
- 22 Applicant: Jeries Ayoub
- 23 Owner: Ho Lee
- 24 Representative: Jeries Ayoub
- 25 Location: 23080 Alessandro Boulevard, Suite 208
- 26 Proposal: Conditional Use Permit application to allow 99+
- 27 Food Mart, a convenience store, to sell alcohol.
- 28 A Type-21 Off-Sale General License, (package
- 29 Store) is required from the Alcohol Beverage
- 30 Control, which authorizes the sale of beer, wine
- 31 and distilled spirits for consumption off the
- 32 premises where sold.
- 33 Case Planner: Claudia Manrique
- 34
- 35
- 36

37 **Recommendation:**

38
39 **APPROVE** Resolution No. 2015-09 and thereby:

- 40
- 41 1. **CERTIFY** that the proposed that the proposed Conditional
- 42 Use Permit is exempt from the provisions of the California
- 43 Environmental Quality Act (CEQA), as a Class 1 Categorical
- 44 Exemption, as a Class 1 Categorical Exemption, Section
- 45 15301, Existing Facilities, and;
- 46

- 1 **2. APPROVE** Conditional Use Permit PA14-0062 based on the
2 findings contained in Planning Commission Resolution 2015-
3 09, subject to the conditions of approval included as Exhibit
4 A of the resolution.
5
6
7

8 **CHAIR LOWELL** – This moves us to the second Public Hearing Item, which is a
9 Conditional Use Permit to allow the 99+ Food Mart the permission to sell alcohol.
10 Is there a Staff Report on this item?
11

12 **PLANNING OFFICIAL SANDZIMIER** – There is. I'd like to introduce Associate
13 Planner Claudia Manrique again.
14

15 **ASSOCIATE PLANNER MANRIQUE** – Good evening I'm Claudia Manrique, the
16 Project Planner for PA14-0062. The applicant is applying for a Conditional Use
17 Permit to allow for off-site sales of alcoholic beverages at the existing 99+ Food
18 Mart Convenience Store within the Neighborhood Commercial NC Zoning
19 District, which is located across the way on Alessandro Boulevard at 23080 in
20 Suite 208. The applicant is proposing to offer a limited selection of alcoholic
21 beverages that will make up a small portion of the existing floor area. There will
22 be some minor changes to the interior; moving shelves and adding some coolers,
23 but the existing exterior of this shop will not change at all. A CUP is required for
24 off-site sales of alcohol when the proposed use is within 300 feet of residential.
25 You'll see to the north and to the east and also across the street on the west is all
26 multi-family zoning. According to the State of California, Department of Alcoholic
27 Beverage Control, ABC, a Type 21 Off-Site General Alcohol License is required
28 for the off-site sales of beer, wine and distilled spirits. This application will remain
29 pending until the ABC is informed by the City that the CUP has been granted.
30 The site is located within the ABC Census Tract No. 425-12, which according to
31 the ABC is not an over-concentration of alcohol and in fact there is only one other
32 business in this tract that sells alcohol and it is a restaurant and it is under a Type
33 47 On-Sales Restaurant License and therefore that License doesn't impact the
34 number of Off-Site Licenses that are allowed in this census tract. This is the
35 Census Tract Map. The project was submitted in October of 2014 and the
36 project was reviewed by the Planning Division as well as the Moreno Valley
37 Police Department. The Police have no specific conditions or requirements for
38 the project. Staff has determined that the project will not have a negative impact
39 on the environment and is exempt under CEQA under Class 1, Categorical
40 Exemption, CEQA Section 15301 for Existing Facilities. Public Notice was sent
41 within 300 feet of the project site on April 13th and posted on site also on April
42 13th and public in Press Enterprise Newspaper on April 12th. As of this evening I
43 have received one response from an owner of a liquor store that is further west
44 on Alessandro. He just would prefer not to have more competition. The
45 Planning Staff recommends approval of Resolution No. 2015-09 and Certify that

1 the proposed Conditional Use Permit is exempt under CEQA and Approve PA14-
2 0062 based on the findings in the conditions. Thank you very much.

3
4 **CHAIR LOWELL**- Thank you. Are there any questions for Staff?

5
6 **COMMISSIONER KORZEC** - I have. I'm kind of new at this so just bear with me.
7 A Type 21 License. Is there a percentage of what is in that facility that needs to
8 be other than alcohol to get that license? Is there a balance that is required?

9
10 **ASSOCIATE PLANNER MANRIQUE** – Actually for the Type 21 is an Off-Sales
11 License, which is like a package store. So a straight liquor store would have this
12 same type of license.

13
14 **COMMISSIOENR KORZEC** – So basically... it would be like a liquor store
15 license?

16
17 **PLANNING OFFICIAL SANDZIMIER** – It is a similar... it is basically a similar
18 type license that a liquor store could use. The percentage of alcohol that is in the
19 building is not distinguished based... It is based on the particular company's
20 marketing strategy and their own sales strategy. A 99 cent market may have 5
21 percent of its sales or lower. This type of a market is not a liquor store that might
22 have more than 50 percent of its sales related to alcohol, but we don't have a
23 distinguishing requirement in our code. The Alcohol Beverage and Licensing
24 Board is one who manages and oversees that.

25
26 **COMMISSIONER KORZEC** – Okay, so for example if a year from now the store
27 just wanted to do it all liquor and make it a liquor store, they wouldn't have to go
28 for a different license with the ABC?

29
30 **ASSOCIATE PLANNER MANRIQUE** – It is my understanding that this license
31 would be adequate for straight liquor sales.

32
33 **COMMISSIONER KORZEC** – Okay, thank you

34
35 **COMMISSIONER VAN NATTA** – How far is this like in walking distance from
36 Moreno Valley High School? On the map it looks pretty close?

37
38 **CHAIR LOWELL** – I would say less than a mile

39
40 **PLANNING OFFICIAL SANDZIMIER** – Moreno Valley High School is off of
41 Cottonwood. It is approximately between a quarter mile to a half mile distance
42 would be my estimate. Cottonwood is the next major intersection above... well it
43 is actually two blocks away, so probably about half a mile.

44
45 **COMMISSIONER VAN NATTA** – Okay because I have noticed in this shopping
46 center that there are high school aged kids that hang around there in the

1 afternoons. My concern was there access to the alcohol, although that is an
2 enforcement end of it. That brings me to my question regarding the floor plan.
3 When they submit the floor plan, is that to show us where in the store they're
4 going to be displaying or keeping the alcoholic beverages?

5
6 **ASSOCIATE PLANNER MANRIQUE** – Yes and it is also a requirement for the
7 ABC that the diagram that was included in the packet and part of it is being in an
8 area that is visible to the cashier, so that is why it is towards the front of the
9 building. That part of their license mandates that the cashier and the store
10 employees can see the people coming in.

11
12 **COMMISSIONER VAN NATTA** – Okay, well I see where the cashier is and so
13 where it says coolers, is that where the alcohol is going to be or is it going to be
14 on the shelves or where?

15
16 **ASSOCIATE PLANNER MANRIQUE** – In the coolers

17
18 **COMMISSIONER VAN NATTA** – In the coolers along there; okay. What is
19 this... it looks like there are two doors in the front; one of them next to the cash
20 register and another one that is marked that is right next to where one of the
21 coolers is?

22
23 **CHAIR LOWELL** – Easy access

24
25 **ASSOCIATE PLANNER MANRIQUE** – From my understanding the last time I've
26 been into the store, there is just the one entrance and the other one; there is a
27 door there but it is not used, but the applicant is here and he can better explain
28 the entrance and exit.

29
30 **COMMISSIONER VAN NATTA** – Okay maybe I'll wait till the applicant comes us
31 and do the rest of my questions.

32
33 **CHAIR LOWELL** – I have question real quick for Staff before we get the
34 applicant up here. Why is this called an off-site license? What does the off-site
35 specify, that you can buy it and take it home of they are actually moving outside
36 of the building to sell it?

37
38 **ASSOCIATE PLANNER MANRIQUE** – Right, they are selling packaged drinks
39 that you will take off-site to consume, so as the restaurant is on-sale; meaning
40 that you can only drink it inside the restaurant or designated area.

41
42 **CHAIR LOWELL** – So this is really only referring to where you can consume the
43 alcohol?

44
45 **ASSOCIATE PLANNER MANRIQUE** – Yes

46

1 **CHAIR LOWELL** – Okay just a point of clarity. Thank you. Any other comments
2 or questions for Staff?
3

4 **COMMISSIONER BARNES** – Yeah I have a question. Does the City have input
5 in the ABC census tracts configuration?
6

7 **PLANNING OFFICIAL SANDZIMIER** – I don't believe we have say in the census
8 tract. To say that the City has is given to the Sheriff's Department whenever
9 there is an over concentration of alcohol licenses within a census tract and if
10 there is a high crime rate if those two parameters are present, then Alcoholic
11 Beverage Control will ask the City Sheriff's Department to make a determination
12 of public convenience and necessity. In this particular case it is not an over
13 concentrated area and so that was not an issue.
14

15 **COMMISSIONER BARNES** – It just seems that the configuration of the tracts
16 are such that you are going to get some odd results based on the analysis of the
17 adjacent tracts, because they are linear north and south, yet the commercial
18 development and is kind of east west... not specific to this project, more of a
19 general question.
20

21 **CHAIR LOWELL** – Any other questions for Staff? If not I would like to ask the
22 Applicant to the podium and provide us with their presentation.
23

24 **APPLICANT AYOUB** – Yes my name is Jeries Ayoub. Me and my wife work in
25 this store. This is my eleventh year in the store. The shopping center you have
26 ten years ago there is a liquor store. There was a liquor store in the shopping
27 center and the old owner Jack (?), when we came to rent from him ten years ago,
28 he refused to get the liquor license because of the problem of the other owner,
29 which is not us you know and then a new owner came. His name was Joseph.
30 He bought the shopping center two years ago. He told me you can apply for
31 liquor. We need liquor in the shopping center and then he sold the store to a
32 Korean guy, Mr. Ho. Last September the manager of the shopping center came
33 to our store and I told him you know my lease is up in February 2015. I have to
34 leave. He said why? I told him there is a competition, a 99 cents store came on
35 Cottonwood, one block from me and it hurt my business a lot and we are losing
36 lots of business for the community; for the store, so my sale are about thirteen
37 thousand dollars a month from this 99 cent store. So I told him if I can get the
38 liquor, maybe I'll do a little bit better so I can pay my rent. My rent is three
39 thousand, nine hundred and eight dollars and he told me okay I will reduce your
40 rent to thirty three hundred and will give you the liquor license, so I can stay in
41 the shopping center. I told him I'm going to move my store to Riverside if he
42 didn't agree with my finding and then he told me okay go ahead and apply for the
43 liquor. I went to the ABC, which you know was in September 9 or September
44 10th I believe in 2014. We entered the lottery, but October 6th they told us there
45 is no lottery because there were not enough people so you got the approval, so
46 on October 27 we went down and we signed and we paid them seven hundred

1 dollars for the license plus we did get a check for almost thirteen thousand, eight
2 hundred in September and then we did a fingerprint and they sent me a letter it
3 says we are waiting for the City for a copy of a Conditional Use Permit from the
4 Zoning Department. This is what they are waiting for before they approve and
5 as I heard from Ms. Claudia, they told me the Police approved it. As for your
6 concern, I think the school is far away from our store; about a mile, because from
7 our store to Cottonwood is a half a mile and half a mile all the way to the right is
8 the school far away. It is about a mile. There is no schools around us at all and
9 this area is empty and the neighborhood on this side and behind us there is a
10 wall. People can walk to us. It takes them about maybe 600 feet to come to the
11 store. Nobody jumps the wall you know. Any questions?
12

13 **COMMISSIONER VAN NATTA** – Yes, on your floor plan here I see where you
14 have it lined up for the coolers where they can be seen from the cash register.
15 Is there an exit for your customers through that back door?
16

17 **APPLICANT AYOUB** – No the back door is... I have three doors; I mean four
18 doors in the store, because I have... 70 feet wide; the length is 70 feet by 40, so
19 we have two back doors and two front doors. The back door on the left side of
20 the building is closed completely. I have stuff... I mean I have my office over
21 there and the other door; I have a metal door inside the front door. There is two
22 doors that are always locked and then the door on the front I took the handle and
23 I put refrigerators so there is no access at all, so only one door only and there are
24 refrigerators right now, but we try to put in coolers. I have ten refrigerators in the
25 store. On this side I am going to put the two coolers for beer only and the rest are
26 for soda and water and it is closed from here. I closed this, so if somebody
27 wants to get beer, I have to go all the way around and so I can see him and I
28 have 35 cameras in the store. I watch the store in every inch and even outside
29 the store also I have cameras, so the hard liquor is going to be behind the
30 register. There is no hard liquor at all outside; no access to hard liquor; like my
31 cigarettes behind me all the time.
32

33 **COMMISSIONER VAN NATTA** – Okay and the restrooms; are those controlled
34 by key so somebody couldn't grab a drink and go hide in the restroom and drink
35 it?
36

37 **APPLICANT AYOUB** – Our restroom is closed for the public. We never we let
38 anybody use the restroom and we have like a screen to go to our bathroom,
39 which is our private bathroom for us, but the other bathroom has stuff in it. It is
40 closed completely and if anybody asks me for the bathrooms, I say there is the
41 laundry or the restaurants.
42

43 **COMMISSIONER VAN NATTA** – Okay, alright, those were my questions. Thank
44 you.
45

1 **CHAIR LOWELL** – Any other questions or comments for the applicant? Okay,
2 any comments from the Commissioners?

3
4 **COMMISSIONER BARNES** – A quick question for Staff. I’m assuming that the
5 locking of one of the front and one of the rear doors has been approved by Public
6 Safety, either Police or Fire?
7

8 **PLANNING OFFICIAL SANDZIMIER** – It would actually be handled through our
9 Building Department and then if necessary we would talk to the Fire Department
10 and the Police Department. The item before you today is a Conditional Use
11 Permit, so this is the land use approval. The actual Certificate of Occupancy;
12 that would be issued subsequently or they already have the Certificate of
13 Occupancy for the store as it is, so that is something that would be outside of the
14 purview of the use permit.
15

16 **COMMISSIONER BARNES** – It would be just a code violation or something?
17

18 **PLANNING OFFICIAL SANDZIMIER** – I don’t want to say that it is but it is
19 something that we could look into if that is an issue, but at this point I don’t have
20 any evidence to suggest that it is.
21

22 **CHAIR LOWELL** – Okay I’d like to open the public comment portion; open the
23 Public Hearing portion of this item. If there is anyone interested in speaking on
24 this item please fill out a speaker card and provide it to our recording secretary if
25 you have not done so already. Grace do we have any speaker slips?
26

27 **GRACE ESPINO-SALCEDO** – We do not have any
28

29 **CHAIR LOWELL** – Okay if we don’t have any speaker slips, I’d like to close the
30 Public Hearing.
31

32 **APPLICANT AYOUB** – I have a comment
33

34 **CHAIR LOWELL** – Yes sir
35

36 **APPLICANT AYOUB** – On Tuesday morning I decided to petition. Within
37 Tuesday and Wednesday I collected three hundred and almost four hundred
38 signatures from the people around us in the area and everybody wants liquor in
39 my store. The portion of the liquor is not too much because I have lots of stuff in
40 the store. I have all kinds of napkins, paper towels, sodas, food, kitchen
41 supplies, sports supplies, school supplies, toys; everything. I’m not going to have
42 the whole thing liquor. I have three thousand square feet. Just behind me,
43 maybe three or four kinds and some kinds of beer. It is not too much. Most of
44 my customers ask me please we need a liquor store here because most of my
45 customers don’t go to Moreno Valley liquor stores to buy their liquor, they come
46 from Corona, Pomona and Riverside where they buy their liquor. They never

1 stop on the way on Alessandro and when they come to my shop because I do
2 lots of services. I do in my store over twenty-five services helping the community.
3 I do five companies that receive money; MoneyGram, (?) I do money orders. I
4 do copies. I do faxes; receive and send. Also I do keys; car keys, house keys,
5 broken keys; locks. I do bill payment. I do all the bills; trash, gas, light, cell
6 phones. I do sell stamps, bus passes. I do computer repair. I'm a computer
7 programmer and I do have water outside for the customers. Whatever service
8 they need, they print from the internet. They print their email. I scan. I email to
9 Mexico. I email to companies. Whatever service; I mean over twenty-five
10 services. What they need, they come to me. They come Riverside. They come
11 Beaumont. They come from far away to the store and when they are there, they
12 like to buy their beer and liquor. This is what they told me. I have a petition here
13 with about four hundred names around us and they came and said we need you
14 Jeries here.

15
16 **CHAIR LOWELL** – I believe I closed it, but I'll just double check. I'd like to close
17 the Public Hearing portion of this item now. Any comments by the
18 Commissioners?
19

20 **COMMISSIONER VAN NATTA** – I just wanted to say I like to see someone
21 providing services for the community that the community needs and also
22 someone who has been here a long time and knows what his customers want,
23 trying to respond to that need and it sounds like he's someone who would be
24 very careful about the sale of liquor and control it properly.
25

26 **CHAIR LOWELL** – Any other comments?
27

28 **COMMISSIONER BAKER** – The only thing I'd like to say is I did go down and
29 tour the store with Jeries and his wife and they run an upstanding store there and
30 he's going to put the liquor behind the cash register like he said and it will be
31 controlled and the beer. From what I could see, it's an upright standing business
32 and I think it's in area where possibly there is a need definitely and I was there
33 during the night part and I never say any element around there that I could see
34 and then during the day part too, so I would vote for this project to go forward
35 okay.
36

37 **CHAIR LOWELL** – Any other comments?
38

39 **VICE CHAIR SIMS** – It sounds like a motion to me
40

41 **CHAIR LOWELL** – Well on the coat tails of that one would anyone like to
42 motion?
43

44 **COMMISSIONER BAKER** – I'll make the motion, okay. Let's **APPROVE**
45 Resolution No. 2015-05 and thereby:
46

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- 1. **CERTIFY** that the proposed that the proposed Conditional Use Permit is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 1 Categorical Exemption, as a Class 1 Categorical Exemption, Section 15301, Existing Facilities, and;
- 2. **APPROVE** Conditional Use Permit PA14-0062 based on the findings contained in Planning Commission Resolution 2015-09, subject to the conditions of approval included as Exhibit A of the resolution.

COMMISSIONER VAN NATTA – I second it

CHAIR LOWELL – I do believe there is a clarification there. I think it is Resolution No. 2015-09.

COMMISSIONER BAKER – Okay

CITY ATTORNEY EARLY – I just want to confirm we had the right Resolution number.

COMMISSIONER BAKER – You bet, thank you.

CHAIR LOWELL – Okay we have a motion and a second? Grace can we have the vote please?

COMMISSIONER RAMIREZ - Yes

COMMISSIONER BARNES - Yes

COMMISSIONER KORZEC – Yes

COMMISSIONER VAN NATTA - Yes

COMMISSIONER BAKER - Yes

VICE CHAIR SIMS - Yes

CHAIR LOWELL - Yes

CHAIR LOWELL – Do we have a Staff wrap up?

PLANNING OFFICIAL SANDZIMIER – Yes this is another item that the final authority on the matter is the Planning Commission, however it is appealable to the City Council by any interested party that feels affected by the project, has the right to appeal the project to the City Council within 15 days. That appeal will

1 appealed to the Community Development Director and if filed will scheduled for
2 hearing before the City Council within 30 days.

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6 **OTHER COMMISSION BUSINESS**

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8
9 **CHAIR LOWELL** – Thank you and that moves us onto Other Business. Are
10 there any other business items on the Agenda today?

11
12 **PLANNING OFFICIAL SANDZIMIER** – There are none

13
14 **STAFF COMMENTS**

15
16
17 **VICE CHAIR LOWELL** – Okay, do we have any Commissioner or any Staff
18 comments?

19
20 **VICE CHAIR SIMS** – I have a request. In my day job I work for a water district
21 and if anybody has been reading the paper or watch the news, Governor Brown
22 has issued a mandate; an emergency order to cut back 25 percent on the gallons
23 per day per person usage in all of California. That is going to effect various
24 agencies that are retail agencies. I believe Eastern has an even higher; currently
25 as it stands, it is a higher impact on the gallons per day per capita greater than
26 25 percent. Having said that, this Commission sees projects brought forth that
27 have conditions for landscaping and for various projects. I would like it if the Staff
28 could very soon or maybe the next Planning Commission, give us an idea of
29 what steps the City is taking in looking at its ordinances on the amount of turf and
30 plantings and so forth that goes in for projects and is there any potential
31 consideration that would go into accommodating meeting the Governor’s goal for
32 reduction in water usage?

33
34 **PLANNING OFFICIAL SANDZIMIER** – We’d be happy to put an item like that on
35 the Agenda. We will give you an overview of what is already in our Code and we
36 will talk to you about what the City is considering to address that issue. We’ll put
37 that on the meeting for May 14th.

38
39 **VICE CHAIR SIMS** – Yeah I appreciate that. I believe the Governor and the
40 State Water Board is working up the rules and reg’s on how they are going to do
41 that implementation. I believe that is all going in somewhere June 1st I think they
42 become effective, so something that is topical and probably our Commission and
43 the City Council may want to consider that.

44
45 **COMMISSIONER VAN NATTA** - I think in the interest of saving water, I’ll drink
46 less water and maybe go visit Jeries store.

1
2 **CHAIR LOWELL** – I like your idea Meli, I like your idea.
3
4

5
6 **PLANNING COMMISSIONER COMMENTS**
7

8
9 **CHAIR LOWELL** – With that do we have any comments from the
10 Commissioners besides what we have already heard?
11
12

13
14 **ADJOURNMENT**
15

16
17 **CHAIR LOWELL** – If not then I believe this concludes our meeting. Thank you.
18

19 **PLANNING OFFICIAL SANDZIMIER** – You're adjourning your meeting to the
20 next regular meeting which will be on May 14th. We'd normally meet on the 4th,
21 however we'll be coming back with a presentation on the Capital Improvement
22 Budget, which is an important item before it goes to the City Council.
23

24 **COMMISSIONER VAN NATTA** – Is that the 12th or the 14th?
25

26 **COMMISSIONER BAKER** – It says on here the 12th
27

28 **CHAIR LOWELL** – The 14th is a Thursday.
29

30 **COMMISSIONER VAN NATTA** – Okay then this was incorrect.
31

32 **PLANNING OFFICIAL SANDZIMIER** – The last comment I have is it is nice from
33 this perspective to see all the seats filled. I look forward to working with the
34 newest Commissioner Patricia Korzec and I congratulate all the rest of you that
35 were reappointed. It has been my pleasure to be your Planning Official and I
36 look forward to the next year in serving the new Chairman and Vice Chair.
37 Thank you.
38

39 **CHAIR LOWELL** – Thank you. I'd like to adjourn the meeting to the May 14th
40 meeting. Thank you and have a good night.
41
42

43
44 **NEXT MEETING**

1 *Planning Commission Regular Meeting, May 14th, 2015 at 7:00 pm, City of*
2 *Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno*
3 *Valley, CA, 92533.*

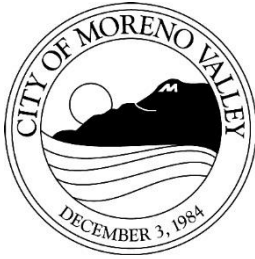
11 _____
12 Richard Sandzimier
13 Planning Official
14 Approved

Date

23 _____
24 Brian Lowell
25 Chair

Date

Minutes Acceptance: Minutes of Apr 23, 2015 7:00 PM (APPROVAL OF MINUTES)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: July 23, 2015

PA14-0031 (TTM 36761) AND P14-059 (VARIANCE)

Case: PA14-0031 (TTM 36761) and P14-059 (Variance)

Applicant: Right Solutions LLC

Owner: Right Solutions LLC

Representative: Blaine Womer Civil Engineering

Location: 24329 Dunlavy Court
(west of Indian St and east of Davis St)

Case Planner: Claudia Manrique

Council District: 1

SUMMARY

The applicant is proposing Tentative Tract Map 36761 to subdivide 1.97 net acres (2.25 gross acres) into 7 residential lots. The applicant has also submitted for a variance to reduce the lot width for Lot 1 from the zoning required 70 feet to approximately 59.3 feet. While the reduction in width on Lot 1 would be approximately 15%, the resulting lot would be similar to the other existing developed lots along Dunlavy Court, and the remaining six lots will be divided consistent with the zoning regulations. The current zoning and General Plan designation for the parcel is Residential 5 (R5), which permits the use and density requested. Staff is recommending that the Planning Commission approve the Variance and Tentative Tract Map.

PROJECT DESCRIPTION

Project

The applicant is proposing to subdivide one parcel (1.97 net acres) into seven single-family residential lots (PA14-0031 – TTM 36761). The proposed project is located on the south side of Dunlavy Court, west of Indian Street and east of Davis Street (APN: 475-250-067) (Attachment 1). The site is zoned Residential 5 (R5). There are currently three abandoned structures on the parcel with the recorded address of 24329 Dunlavy Court.

Policy 2.2.7 of the General Plan states that the primary purpose of areas designated Residential 5 (R5) is to provide for single-family detached housing on standard sized suburban lots. The maximum allowable density of the Residential 5 (R5) is 5.0 dwelling units per net acre and the proposed project's density is 3.5.

The applicant has also submitted for a variance (P14-059) to allow for an approximate 15% reduction in required lot width for Lot 1 to approximately 59.3 feet instead of the minimum 70 feet required by the residential site development standards for Residential 5 (R5).

Surrounding Area

The project site is in an area that is zoned predominately Single-Family Residential (R-5) (Attachment 2). The surrounding neighborhood along Dunlavy Court is fully developed at the old County of Riverside's R-1 zoning standard and lot widths are a minimum of 60 feet and increase to over 70' east of Indian. The lots immediately south of the proposed subdivision on Groven Lane, within the same zoning district have lot widths ranging from approximately 80' to over 90'. Existing lots on Davis Street immediately west of the project site range from approximately 65' to 75' in width. The design of proposed Tentative Tract Map 36761 with predominantly 70' lot widths is compatible with the adjacent existing lots.

Within a quarter mile northwest of the site along Heacock Street and Gregory Lane are some Office (O) zoned parcels. Two of the four parcels are developed with single-family residences. South of the site and also within a quarter mile along Ironwood Avenue (between Heacock Street and Indian Street) are undeveloped parcels zoned Retail Commercial (RC) and Commercial/Office Park (C/OP) in the Festival Specific Plan (SP 205).

Design

The proposed subdivision includes seven single-family lots ranging in size from 8,914 square feet to 10,306 square feet; the required minimum for Residential 5 (R5) is 7,200 square feet (Attachment 3). In the west corner of the site there is one lettered lot for an infiltration basin, which is designed to infiltrate stormwater into the soil.

This project is an infill site that will finish out the balance of tract development within the surrounding area consistent with the underlying Residential 5 (R5) standards with one exception. The exception will be the width of Lot 1 at 59.3 feet, which is less than the required 70' width. A reduction in the lot width can be allowed with approval of a zoning variance.

Variance (P14-059)

According to Section 9.02.100 of the City's Municipal Code, the purpose of variances is to provide for equity in use of property, and to prevent unnecessary hardships that might result from a strict or literal interpretation and enforcement of certain regulations prescribed by the Code.

Variances from the terms of the zoning regulations may be granted only when, because of special circumstances applicable to the property in question, including size, shape, topography, location or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Consequently, variances to a zoning regulation may be granted with respect to development standards such as lot width.

Reducing the lot width for Lot 1 from the required minimum of 70 feet to 59.3 feet will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification along Dunlavy Court. As noted early in this report, some lots within the surrounding subdivisions were built out to the old County of Riverside's R-1 zoning width of 60 feet instead of the City's current minimum of 70 feet for Residential 5 (R5). Allowing for the decrease in lot width for Lot 1 of TTM 36761 will not create a special circumstance as the lots will be similar in size to the adjacent residences, and all but one of the proposed 7 would be consistent with the required minimum lot width.

There is also an exceptional or extraordinary circumstance or condition affecting the proposed project, which impacts the property involved or to the intended use of the property which do not apply generally to other properties in the vicinity and under the same zoning classification (9.02.100 Variances.D.2). Strict or literal interpretation and enforcement of the residential site development standards for Residential 5 (R5) would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and under the same zoning classification due to an existing neighboring issue. Two lots to the west of the proposed project, 11806 Davis Street (APN: 475-250-068) and 11810 Davis Street (APN: 475-250-069) have both their existing rear fencing and structures on property owned by the applicant for TTM 36761 (Attachment 4).

The applicant is proposing to give approximately 0.03 acres or 1,500 square feet to each of the existing residences to the west (11806 Davis Street (APN: 475-250-068) and 11810 Davis Street (APN: 475-250-069)) thus allowing for the structures in the rear yards to remain. The placement of the existing fencing will also remain in the same location, with the exception of 11806 Davis Street (APN: 475-250-068) as a retaining wall is required. The future retaining wall will be placed where TTM 36761 notes "existing wood fence". Land Development has conditioned the project to record a Lot

Line Adjustment prior to Final Map recordation to transfer the excess property along the westerly tract boundary of Lot 1 to the adjacent westerly properties, insuring the Final Map configuration is consistent with the approved Tentative Map (LD54).

The loss of the acreage to the properties to the west in order to maintain good neighbor relations impacts the subdivision's ability to meet the current residential site development standards for Residential 5 (R5) lot width minimum without losing an additional lot for all seven lots. Loss of a lot would have a negative financial impact on the project. The applicant is requesting a variance for the reduction of the width of Lot 1 to be approximately 59.3 feet instead of the minimum 70 feet required under Residential 5 (R5).

Justifications for Approval

Municipal Code Section 9.02.100 Variances.D.2 (Required Findings) listed the six required findings for variances.

Despite the request for a lot width deviation for Lot 1 from the established residential site development standards for Residential 5 (R5), staff finds that the purpose and intent of the Municipal Code is satisfied. Staff recommends approval of the requested variance for the following reasons:

- That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and under the same zoning classification (#3).
- That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification (#4).
- That the granting of a variance is consistent with the objectives and policies of the general plan and the intent of this title (#6).

Because the property meets the objective of Residential 5 (R5) zoning, providing residential development on common sized suburban lots and is compatible to adjacent existing developments, staff believes that the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. The reduction of the minimum lot width for Lot #1 to 59.3 is considerate of the existing residences along Dunlavy Court built to a similar lot width (old County of Riverside's R-1 zoning width of 60 feet).

- That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship not otherwise shared by others within the surrounding area or vicinity (#1).
- That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which

do not apply generally to other properties in the vicinity and under the same zoning classification (#2).

- That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification (#5).

The property has a unique situation where there are two neighboring lots, 11806 Davis Street (APN: 475-250-068) and 11810 Davis Street (APN: 475-250-069), that have built structures beyond their property line onto the project parcel. The two neighboring lots also have their rear fencing on the project parcel. The applicant has proposed to adjust the eastern property lot line so that the existing structures will be able to remain. In moving the property line, the applicant loses approximately 0.06 acres of his property for the proposed subdivision. Designing the subdivision so that each lot would have at least the minimum lot width of 70 feet would reduce the number of possible lots to 6. The applicant feels this decrease from 7 to 6 residential lots places an unnecessary hardship on the project.

Staff believes that the scope and scale of the project is comparable to several similarly zoned projects in the neighborhood. Apart from the requested variance, the project complies with the Municipal Code and intent of the residential design guidelines.

REVIEW PROCESS

The project was submitted on June 9, 2014. The project was reviewed at the July 22, 2014 Pre-Project Review Staff Committee Meeting. In response to staff's comments, the applicant attempted to speak with both owners of the neighboring lots, 11806 Davis Street (APN: 475-250-068) and 11810 Davis Street (APN: 475-250-069). The applicant was able to speak with only the owner of 11806 Davis Street (APN: 475-250-068) who understood the area currently developed as her backyard, including a garage, to be her legal property and wants to keep it in the current state.

The project representative, Blaine Womer Civil Engineering, provided the grant deed for 11806 Davis Street (APN: 475-250-068). The description reads 'the west 162 feet of the north 65 feet of the south 130 feet of the south half of the north half of Lot 51 of Moreno Acres'. The map of Moreno Acres from which the Davis Street property was subdivided was also submitted. The lower left corner of the Moreno Acres map states that 'Distances as shown are to the center of streets'. This method of measurement is consistent with other surveys that came after the Moreno Acres map, a Record of Survey done by JF Davidson in 1957 (It's a survey of the south half of Lot 51 of Moreno Acres) and Tract 17516 prepared by Webb & Associates Engineering (indicates that they found a monument on the centerline of Davis Street and accepted it as the 'southwest corner of the north half of the north half of Lot 51).

The owner of 11806 Davis Street (APN: 475-250-068) provided a letter from the Security Title Insurance Company dated July 1, 1970 stating the property was measured from the east line of Davis Street. This information was used when the garage was built in its current location. Unfortunately, the surveyor used by the title

company was wrong and the measurement for the Davis Street lots is not from right of way, it is from the centerline as the documents from Blaine Womer Civil Engineering state.

The project was scheduled for Planning Commission after identified issues had been addressed. The applicant is willing to give approximately 0.03 acres or 1,500 square feet to each of the existing the residences to the west (11806 Davis Street (APN: 475-250-068) and 11810 Davis Street (APN: 475-250-069)) thus allowing for the structures in the rear yards to remain. The placement of the existing fencing will also remain in the same location, with the exception of 11806 Davis Street (APN: 475-250-068) as a retaining wall is required. The future retaining wall will be placed where TTM 36761 notes "existing wood fence". The applicant has also been conditioned to record a Lot Line Adjustment prior to Final Map recordation to transfer the excess property along the westerly tract boundary of Lot 1 to the adjacent westerly properties, insuring the Final Map configuration is consistent with the approved Tentative Map (LD54).

ENVIRONMENTAL

Planning staff, as is typical with all planning projects, has reviewed the request in accordance with the latest edition of the California Environmental Quality Act (CEQA) Guidelines and has determined the project will not result in any significant effect on the environment and qualifies for an exemption under the provisions of the CEQA as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development).

NOTIFICATION

In accordance with Section 9.02.200 of the Municipal Code, public notification including a description of the proposed project and information on the required public hearing was sent to all property owners of record within 300' of the proposed project site on July 10, 2015. In addition, the public hearing notice for this project was posted on the project site on July 10, 2015, and published in the Press Enterprise newspaper on July 10, 2015 (Attachment 5).

STAFF RECOMMENDATION

Recommend the Planning Commission **APPROVE** Resolution No. 2015-10 and Resolution No. 2015-11, and thereby:

1. **CERTIFY** that the proposed Variance (P14-059) and Tentative Tract Map 36761 (PA14-0031) are exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development); and
2. **APPROVE** Variance (P14-059) based on the findings contained in Planning Commission Resolution 2015-10; and

3. **APPROVE** Tentative Tract Map 36761 (PA14-0031) based on the findings contained in Planning Commission Resolution 2015-11, subject to the conditions of approval included as Exhibit A of the Resolution.

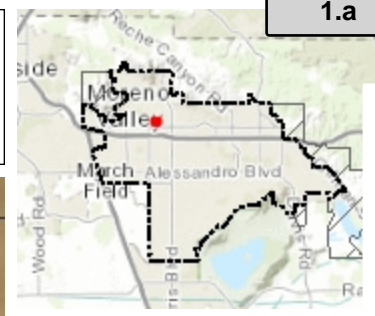
Prepared by:
Claudia Manrique
Associate Planner

Approved by:
Allen Brock
Community Development Director

ATTACHMENTS

1. Aerial Photograph
2. Zoning Map
3. Tentative Tract Map 36761
4. Variance Support Map
5. Public Notice
6. Resolution 2015-10
7. Resolution 2015-11
8. Exhibit A - COAs

Aerial Photograph PA14-0031



Legend

Parcels

289.8 0 144.89 289.8 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

Print Date: 4/30/2015

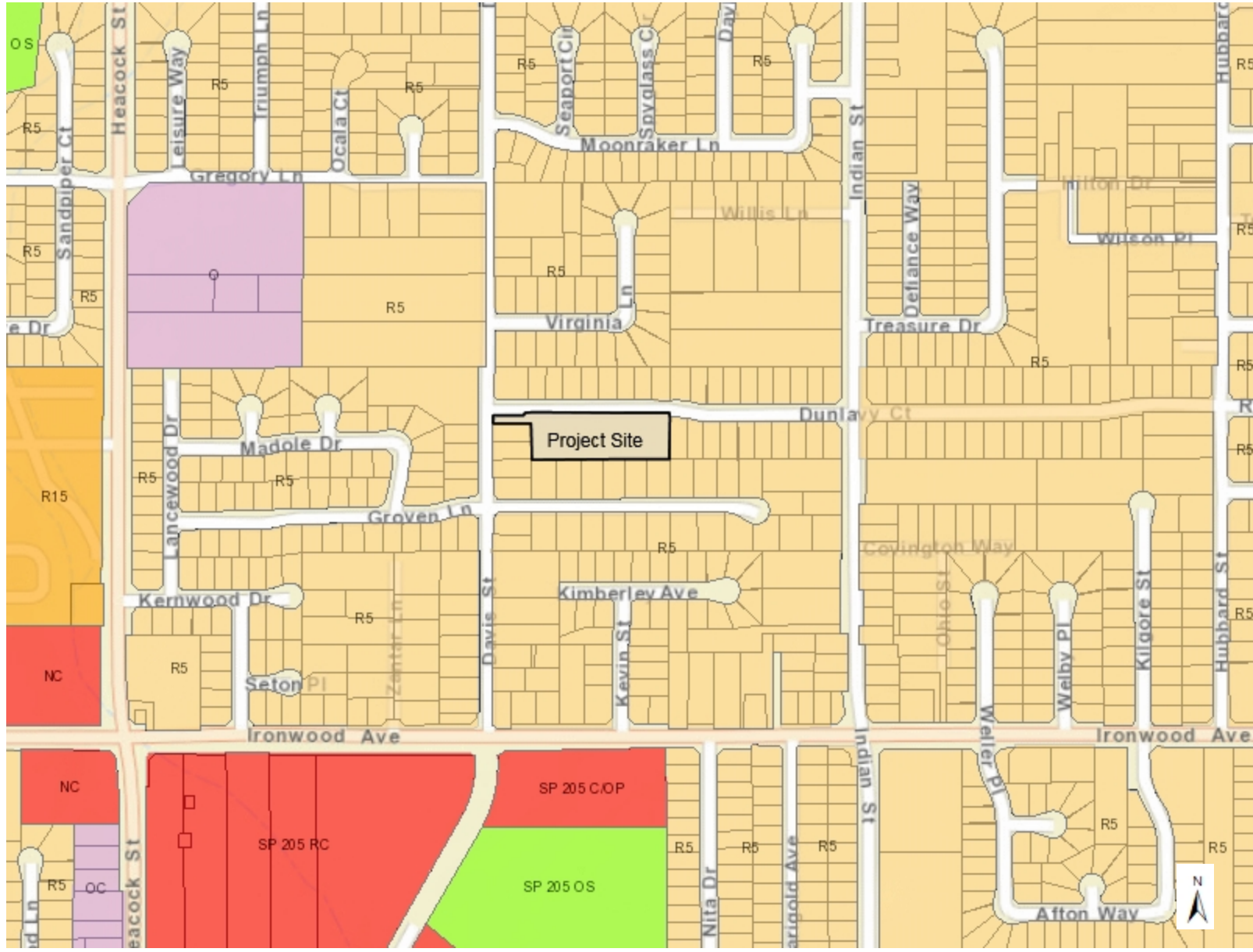
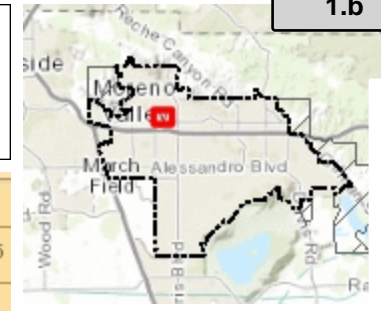
DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and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

Notes

TTM 36761 to subdivide one parcel into seven single-family residential lots located on the south side of Dunlavy Court, west of Indian Street and east of Davis Street.

Attachment: Aerial Photograph (1579 : PA14-0031 (TTM 36761) and P14-059 (Variance))

Zoning PA14-0031



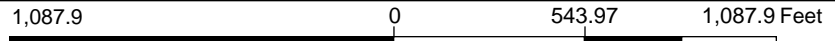
Legend

Zoning

- Commercial
- Industrial/Business Park
- Public Facilities
- Office
- Planned Development
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

Parcels

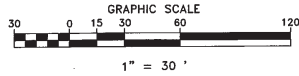
Attachment: Zoning Map (1579 : PA14-0031 (TTM 36761) and P14-059 (Variance))



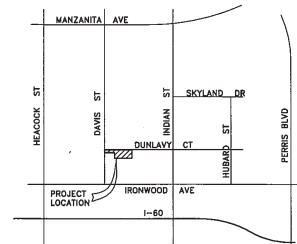
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Notes

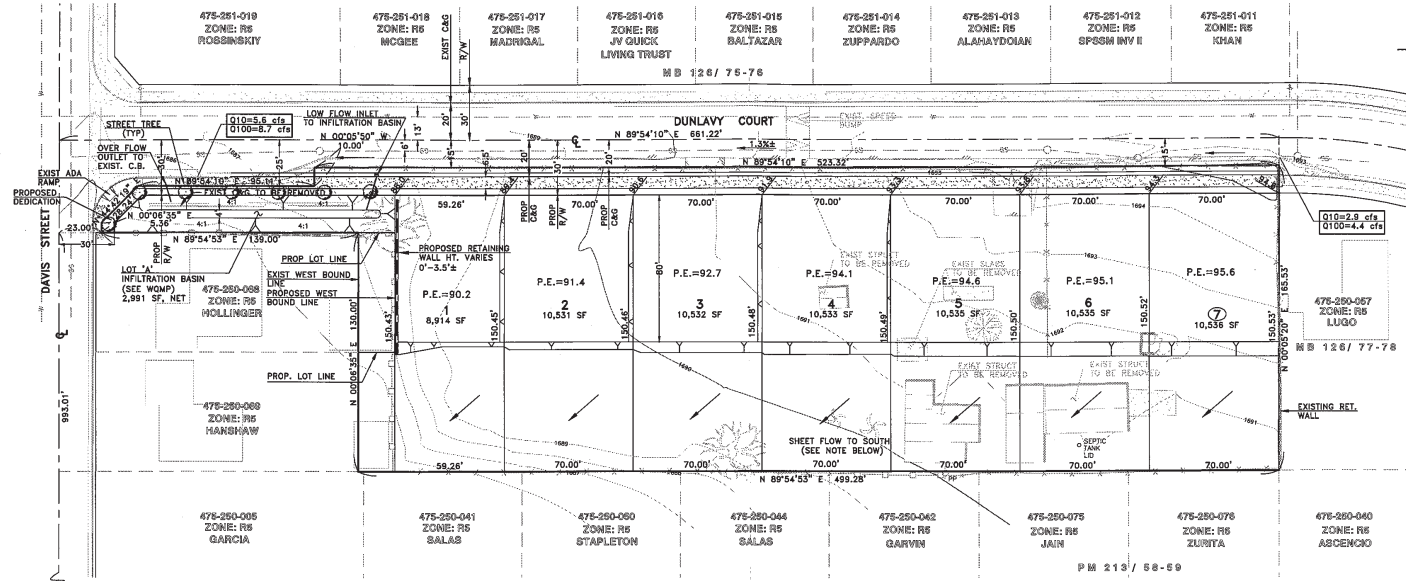
24329 Dunlavy Court (west of Indian S and east of Davis St) - Tentative Tract Map 36761 to subdivide 2.25 acres into 7 residential lots.



CITY OF MORENO VALLEY TENTATIVE TRACT NO. 36761 APN 475-250-067



VICINITY MAP
N.T.S.



OWNER
RIGHT SOLUTIONS, LLC
1601 NORTH MAIN STREET
SANTA ANA, CA 92701
(714) 227-8333

EXISTING ZONING
RESIDENTIAL, R5

LEGAL DESCRIPTION
THE SOUTH HALF OF THE NORTH HALF OF LOT 51 OF MORENO ACRES, AS PER MAP RECORDED IN BOOK 11, PAGE 53 OF MAPS, RIVERSIDE COUNTY RECORDS, EXCEPTING THEREFROM THE SOUTH 130 FEET OF THE WEST 122 FEET OF SAID LOT, ALSO EXCEPTING THEREFROM THAT PORTION GRANTED TO THE CITY OF MORENO VALLEY BY DEED RECORDED FEB 3, 1986 AS INST. NUMBER 26057, O.R.

PROPERTY AREA
2.25 ACRES GROSS
1.97 ACRES NET

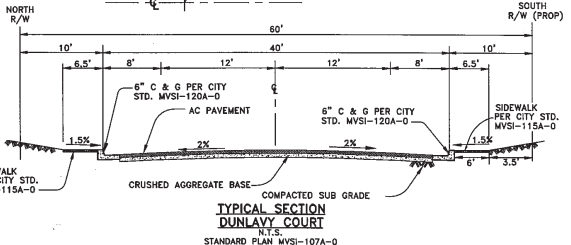
UTILITY PURVEYORS
SEWER: EASTERN MUNICIPAL WATER DIST.
WATER: EASTERN MUNICIPAL WATER DIST.
ELECTRICAL: SOUTHERN CALIFORNIA EDISON
TELEPHONE: VERIZON
GAS: THE GAS COMPANY
SOLID WASTE: WASTE MANAGEMENT

FLOOD HAZARD
ZONE X, PANEL NO. 06065C 0736
REV. 8/28/2008

SCHOOL DISTRICT
MORENO VALLEY UNIFIED

TOPOGRAPHIC SOURCE
A FIELD SURVEY BY BLAINE A. WOMER
CIVIL ENGINEERING ON MAY 23, 2014.

EARTHWORK ESTIMATE
RAW FILL = 2,350 C.Y.
RAW CUT = 0 C.Y.



LOT No.	GROSS AREA (SF)	NET AREA (SF)	INTENDED USE
1	10,692	8,914	RES.
2	12,632	10,531	RES.
3	12,632	10,532	RES.
4	12,634	10,533	RES.
5	12,636	10,535	RES.
6	12,636	10,535	RES.
7	12,638	10,536	RES.
A'	9,171	2,991	INFIL. BASIN

LEGEND

- 1650- EXISTING CONTOUR
- - - EXISTING BLOCK WALL
- - - EXISTING CHAIN LINK FENCE
- - - EXISTING WOOD FENCE
- EXIST TREES

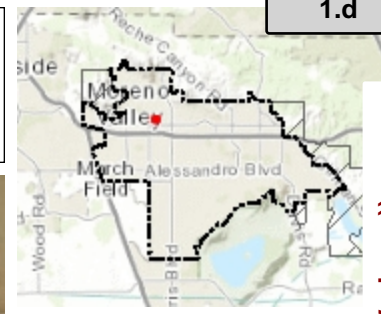
NOTE: ALL EXISTING STRUCTURES AND SLABS ON SITE TO BE REMOVED. SEPTIC SYSTEMS ON SITE TO BE REMOVED.

SHEET FLOW NOTE
PROPERTY SOUTH OF THE TOE OF SLOPE SHALL REMAIN AT NATURAL GRADE AND SHEET FLOW TO THE SOUTHWEST.

DATE PREPARED: 2/25/2015

BENCHMARK	BASIS OF BEARING	REVIEW BY CITY STAFF		CITY OF MORENO VALLEY APPROVALS		CITY OF MORENO VALLEY																																
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>OFFICE</th> <th>INITIAL</th> <th>DATE</th> </tr> <tr> <td>ENGINEERING DIVISION MANAGER</td> <td></td> <td></td> </tr> <tr> <td>LAND DEVELOPMENT</td> <td></td> <td></td> </tr> <tr> <td>PLANNING</td> <td></td> <td></td> </tr> <tr> <td>TRANSPORTATION</td> <td></td> <td></td> </tr> <tr> <td>PARKS AND COMMUNITY SERVICES</td> <td></td> <td></td> </tr> <tr> <td>SPECIAL DISTRICTS</td> <td></td> <td></td> </tr> <tr> <td>STORM WATER MANAGEMENT PRGM</td> <td></td> <td></td> </tr> </table>	OFFICE	INITIAL	DATE	ENGINEERING DIVISION MANAGER			LAND DEVELOPMENT			PLANNING			TRANSPORTATION			PARKS AND COMMUNITY SERVICES			SPECIAL DISTRICTS			STORM WATER MANAGEMENT PRGM				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>RECOMMENDED:</td> <td>DATE</td> </tr> <tr> <td>PREM KUMAR DEPUTY PW DIR/ASSISTANT CITY ENGINEER R.C.E. #52463</td> <td></td> </tr> <tr> <td>APPROVED:</td> <td>DATE</td> </tr> <tr> <td>AHMAD R. ANSARI PUBLIC WORKS DIRECTOR/CITY ENGINEER R.C.E. #25168</td> <td></td> </tr> </table>	RECOMMENDED:	DATE	PREM KUMAR DEPUTY PW DIR/ASSISTANT CITY ENGINEER R.C.E. #52463		APPROVED:	DATE	AHMAD R. ANSARI PUBLIC WORKS DIRECTOR/CITY ENGINEER R.C.E. #25168			<p style="text-align: center;">TENTATIVE TRACT NO. 36761</p> <p style="text-align: right;">SHEET <u>1</u> OF <u>1</u> CITY ID No. PA17-0031</p>
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Variance P14-059



Legend

Parcels

Notes

P14-059 - variance to reduce the lot width from 70 feet to approximately 68 feet, which is similar to the existing neighboring lots (decrease of 2.85%).

203.5 0 101.77 203.5 Feet

PLANNING COMMISSION RESOLUTION NO. 2015-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING P14-059, VARIANCE, TO REDUCE THE MINIMUM LOT WIDTH OF LOT 1 OF A RESIDENTIAL 5 (R5) SUBDIVISION TO 59.3 FEET FROM 70 FEET. THE PROJECT IS LOCATED AT 24329 DUNLAVY COURT (WEST OF INDIAN STREET AND EAST OF DAVIS STREET (ASSESSORS PARCEL NUMBER 475-250-067)

WHEREAS, Right Solutions LLC, has filed an application for the approval of a Variance (P14-059) as described in the title of this Resolution; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, upon completion of a through development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission of July 23, 2015; and

WHEREAS, on July 23, 2015, the Planning Commission of the City of Moreno Valley conducted a public hearing to consider the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this Planning Commission during the meeting on July 23, 2015 including written and oral staff reports

and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship not otherwise shared by others within the surrounding area or vicinity.

FACT: Current Municipal Code requirements include minimum of 70 feet for the lot width in the Residential 5 (R5) zoning district. The proposal of the variance in question is to reduce the minimum lot width of Lot 1 to 59.3 feet (decrease of 15%). The reduction in the required lot width within Tract 36761 is justified, as without the variance, the applicant would lose one lot and losing one lot would cause an unnecessary hardship. This project is an infill site that will finish out the balance of tract development within the surrounding area that was developed under the old County of Riverside R-1 standard for lot width (60 feet minimum). Tentative Tract Map 36761 will meet all other minimum site development standards of the current R5 zoning.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the vicinity and under the same zoning classification.

FACT: Because the property meets the objective of Residential 5 (R5) zoning, providing residential development on common sized suburban lots and is compatible to adjacent existing developments, staff believes that the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. The reduction of the minimum lot width of Lot 1 by approximately 11 feet will not create a subpar parcel. The existing residences along Dunlavy Court have been built out at a similar lot width (old County of Riverside's R-1 zoning width of 60 feet).

3. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by other owners in the vicinity and under the same zoning classification.

FACT: Because the property meets the objective of Residential 5 (R5) zoning, providing residential development on common sized suburban lots and is compatible to adjacent existing developments, staff believes that the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. The reduction of the

minimum lot width of Lot 1 by approximately 11 feet will not create a subpar parcel. The existing residences along Dunlavy Court have been built out at a similar lot width (old County of Riverside's R-1 zoning width of 60 feet).

Losing one lot would cause an unnecessary hardship. This project is an infill site that will finish out the balance of tract development within the surrounding area that was developed under the old County of Riverside R-1 standard for lot width (60 feet minimum). All the other requirements of the current R5 zoning would be met, including the maximum density.

4. Approval of this Variance does not constitute the granting of a special privilege inconsistent with the limitations on other properties within the vicinity and under the same zoning classification.

FACT: The property has a unique situation where there are two neighboring lots, 11806 Davis Street (APN: 475-250-068) and 11810 Davis Street (APN: 475-250-069), that have built structures beyond their property line onto the project parcel. The two neighboring lots also have their rear fencing on the project parcel. The applicant is proposed to move the eastern property lot line for these two neighboring lots and the existing structures will be able to remain. In moving the property line, the applicant loses approximately 0.06 acres of the proposed subdivision. Designing the subdivision to meet the minimum lot width of 70 feet places an unnecessary hardship on the project as project loses one lot (decrease from 7 to 6 residential lots).

Staff believes that the scope and scale of the project is comparable to several similarly zoned projects in the neighborhood. Apart from the requested variance, the project complies with the Municipal Code and intent of the residential design guidelines.

5. Approval of the variance is not detrimental to the public health, safety or welfare and is not materially injurious to properties or improvements in the vicinity.

FACT: Planning staff, as is typical with all planning projects, has reviewed the request in accordance with the latest edition of the California Environmental Quality Act (CEQA) Guidelines and has determined the project will not result in any significant effect on the environment and qualifies for an exemption under the provisions of the CEQA as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development).

6. The granting of a variance is consistent with the objectives and policies of the general plan and the intent of the title.

FACT: Staff believes that the scope and scale of the project is comparable to several similarly zoned projects in the neighborhood. Apart from the requested variance, the project complies with the Municipal Code and intent of the residential design guidelines.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Rat Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan Fee, Bridge and Thoroughfare Mitigation Fee (Future) and Traffic Signal Mitigation Fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA13-0063 incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this

resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2015-10, and thereby:

- 1. **CERTIFY** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development); and
- 2. **APPROVE** P14-059 (Variance).

APPROVED this 23rd day of July, 2015.

 Brian R. Lowell
 Chair, Planning Commission

ATTEST:

 Richard J. Sandzimier, Planning Official

APPROVED AS TO FORM:

 City Attorney

Attachment: Resolution 2015-10 (1579 : PA14-0031 (TTM 36761) and P14-059 (Variance))

PLANNING COMMISSION RESOLUTION NO. 2015-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA14-0031, TENTATIVE TRACT MAP 36761, TO SUBDIVIDE 1.97 NET ACRES INTO 7 SINGLE-FAMILY RESIDENTIAL LOTS WITHIN THE RESIDENTIAL 5 (R5) ZONING DISTRICT AND LOCATED AT 24329 DUNLAVY COURT (WEST OF INDIAN STREET AND EAST OF DAVIS STREET (ASSESSORS PARCEL NUMBER 475-250-067)

WHEREAS, Right Solutions LLC, has filed an application for the approval of a Tentative Tract Map (PA14-0031) for a seven (7) lot subdivision as described in the title of this Resolution; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, upon completion of a through development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission of July 23, 2015; and

WHEREAS, on July 23, 2015, the Planning Commission of the City of Moreno Valley conducted a public hearing to consider the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this Planning Commission during the meeting on July 23, 2015 including written and oral staff reports

and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The proposed land division is consistent with applicable general and specific plans.

FACT: Tentative Parcel Map 36761 will subdivide one parcel (1.97 net acres) into seven single-family residential lots within the Residential 5 (R5) zoning district. Objective 2.2 of the General Plan states that it is a goal of the City to provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups. Furthermore, Policy 2.2.7 of the General Plan states that the primary purpose of areas designated Residential 5 (R5) is to provide for single-family detached housing on standard sized suburban lots. The maximum allowable density of the Residential 5 (R5) is 5.0 dwelling units per net acre and the proposed project's density is 3.5.

The applicant has also submitted for a variance (P14-059) to allow for a minimum lot width for Lot 1 of 59.3 feet instead of the minimum 70 feet required by the residential site development standards for Residential 5 (R5). Apart from the requested variance, the project complies with the General Plan, Municipal Code and intent of the residential design guidelines.

2. The site of the proposed land division is physically suitable for the type of development.

FACT: Tentative Parcel Map 36761 will create seven single-family residential lots. This project is an infill site that will finish out the balance of tract development within the surrounding area at the Residential 5 (R5) standard with the exception of minimum lot width for Lot 1. The scope and scale of the project is comparable to several similarly zoned projects in the neighborhood. The reduction of the minimum lot width for Lot 1 by 11 feet will not create subpar parcel. The existing neighboring residences have been built out at a similar lot width (old County of Riverside's R-1 zoning width of 60 feet).

3. The design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

FACT: Planning staff, as is typical with all planning projects, has reviewed the request in accordance with the latest edition of the California Environmental Quality Act (CEQA) Guidelines and has determined the project will not result in any significant effect on the environment and qualifies for an exemption under the provisions of the CEQA as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development).

4. The design of the proposed land division or the type of improvements is unlikely to cause serious public health problems.

FACT: As conditioned, the proposed land division would not cause serious public health problems. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

5. The design of the land division 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.

FACT: There are no conflicts with easements on the subject site. The City Engineer has appropriately placed conditions of approval for Tentative Parcel Map No. 36761 regarding various project improvements.

6. That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by California Government Code Section 66473.1.

7. That the effect of the proposed land division 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.

FACT: No development is proposed with this Tentative Tract Map. The 7 parcels in the future will require a model home complex application to review the design of the homes to be built in the tract. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, future residents will pay Community Services District fees, property tax, sales tax and

other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

State Housing Law requires that each jurisdiction establish the number of housing units that will be constructed, rehabilitated, and preserved over a planning period. The Quantified Objectives for Moreno Valley's current Housing Element reflect the planning period from January 1, 2014 to October 31, 2021. If the 7 lots are built during this time period, they will count towards the new construction requirement of 1,112 units for moderate income housing.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Rat Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan Fee, Bridge and Thoroughfare Mitigation Fee (Future) and Traffic Signal Mitigation Fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA13-0063 incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2015-11, and thereby:

1. **CERTIFY** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 (In-Fill Development); and
2. **APPROVE** PA14-0031 (Tentative Tract Map 36761), subject to the attached conditions of approval included as Exhibit A.

APPROVED this 23rd day of July, 2015.

 Brian R. Lowell
 Chair, Planning Commission

ATTEST:

 Richard J. Sandzimier, Planning Official

Attachment: Resolution 2015-11 (1579 : PA14-0031 (TTM 36761) and P14-059 (Variance))

APPROVED AS TO FORM:

City Attorney

Attachments

Attachment: Resolution 2015-11 (1579 : PA14-0031 (TTM 36761) and P14-059 (Variance))

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PA14-0031 TENTATIVE TRACT MAP 36761
APN: 475-250-067

APPROVAL DATE: May 28, 2015
EXPIRATION DATE: May 28, 2018

- Planning (P), including School District (S), Post Office (PO), Building (B)
- Public Works, Land Development (LD)
- Public Works, Special Districts (SD)
- Public Works – Transportation Engineering (TE)
- Fire Prevention Bureau (F)
- Police (PD)

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

- P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
- P2. Approval of Tentative Tract 36761 (PA14-0031) is subject to the approval of the related Variance application (P14-059).
- P3. Tentative Parcel Map 36761 (PA14-0031) shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it 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. (MC 9.02.230, 9.14.050, 080)
- P4. 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)

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
SBM - Subdivision Map Act		

Attachment: Exhibit A - COAs [Revision 1] (1579 : PA14-0031 (TTM 36761) and P14-059 (Variance))

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- P5. A drought tolerant, low water using landscape palette shall be utilized throughout the tract to the extent feasible.
- P6. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P7. A separate model home complex or custom home review application(s) for each lot (an administrative process) is required for approval of the design of the future single-family homes.
- P8. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.

PRIOR TO GRADING

- P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P10. (GP) 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 the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. 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)
- P11. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

- P12. (GP) Prior to approval of precise grading plan, final front and street side yard landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees.
- P13. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
- A. A maximum 6 foot high decorative tubular steel with pilasters fencing is required around the infiltration basin.
 - B. Internal fencing between units will be a poly-vinyl fencing material or decorative block.
 - C. Any proposed retaining walls shall be decorative in nature; the combination of retaining and other walls/fencing on top shall not exceed the maximum height requirement as specified in Chapter 9.08.070 of the Municipal Code.

PRIOR TO RECORDATION OF FINAL MAP

- P14. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)
- P15. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to 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, water quality basins, landscaping. 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:

- The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.
- All lots designated for water quality basins, shall be dedicated to and maintained by a Homeowners Association (HOA). The HOA shall contract with a private maintenance entity or establish a funding mechanism approved by the City in a maintenance agreement for City maintenance. 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.
- 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 except on the maintenance road and access driveways for the water quality basins.

PRIOR TO BUILDING PERMIT

- P16. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P17. (BP) 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.
- P18. (BP) Prior to issuance of building permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A tubular steel fence with pilasters or other fence or wall approved by the Community & Economic Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

PRIOR TO CERTIFICATE OF OCCUPANCY

- P19. (CO) Prior to the issuance of Certificates of Occupancy or building final, slope landscape and irrigation shall be installed. Landscaping on lots not yet having dwelling units shall be maintained by the developer weed and disease free. (MC 9.03.040)

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- P20. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed per the approved plans on file in the Planning Division. (MC 9.080.070)
- P21. (CO) For 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.

Building and Safety Division

- B1. New buildings/structures shall comply with the current California Building Standards Code (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. Plans shall be submitted to the Building and Safety Division as a separate submittal and shall include a soils report at time of first submittal. Beginning on January 1, 2014, the 2013 CBC will become effective for all new building permit applications.
- B2. Prior to the issuance of a building permit, the applicant shall submit a properly completed “Waste Management Plan” (WMP), as required, as a portion of the building or demolition permit process.
- B3. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- B4. The proposed new development may be subject to the payment of development fees as required by the City’s Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.

SCHOOL DISTRICT – Moreno Valley Unified School District

- S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

- PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

**CITY OF MORENO VALLEY
 PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
 CONDITIONS OF APPROVAL
 PA14-0031 / TTM 36761 – 7 Lot Subdivision
 APN 475-250-067**

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

- LD1. (G) 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)
- LD2. (G) 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 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. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) 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. The City Engineer may require the construction of necessary utilities, streets 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.
- LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements 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. In the event that the developer is unsuccessful, he 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)

- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate 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 Public Improvement Agreement or issuance of a permit.
- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive 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 Public Works Department.
 - (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 shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the 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.

- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. 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)

- LD8. (G) 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 landfills 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.
- LD9. (G) For single family residential subdivisions, all lots shall drain toward the street unless otherwise approved by the City Engineer. Residential lot drainage to the street shall be by side yard swales and include yard drain pipes and inlet grates (or stubbed and capped if area is not yet landscaped) that convey flows to the street in accordance to City Standard No. MVS1-154-0 independent of adjacent lots. No over the sidewalk drainage shall be allowed, all drainage shall be directed to a driveway or drainage devices located outside the right-of-way. (MC 9.14.110)
- LD10. (G) A detailed final drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD11. (G) Water quality basins designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential development may not be used as a construction best management practice. The water quality basins shall be maintained for the entire duration of project construction and be used to treat runoff from those developed portions of the project. The water quality basins shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. The water quality basins shall be graded per the approved design drawings and once landscaping and irrigation has been installed, it and its maintenance shall be maintained by the individual property owners or turned over to an established Homeowner’s Association.
- LD12. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

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LD13. (G) Upon approval of the tentative tract map by the Planning Commission, the Developer shall submit the approved tentative tract map on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD14. (G) This Project will be required to submit design plans for plan review of Rough Grading Plans, Precise Grading Plans, Street Improvement Plans, Storm Drain/Storm Water Plans, Sewer and Water Plans, Signing and Striping Plans, Traffic Control Plans on 24"x36" mylar sheet size signed by a registered engineer and other licensed professional as required for City review and approval.

Prior to Grading Plan Approval or Grading Permit

LD15. (GPA) Prior to approval of Rough and Precise Grading plans, 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. This includes accommodating existing drainage entering the project from off-site. 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. A grading permit shall be obtained from the Public Works Department, Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
- d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
- e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD16. (GPA) Prior to Rough and Precise Grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

- LD17. (GPA) Prior to approval of the Rough grading plans 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). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.
- LD18. (GPA) Prior to the any Grading Plan approval, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (F-WQMP) for review and approval by the City Engineer that :
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Included results of infiltration testing using accepted methods per RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011 or later. The results of the infiltration test will be used to determine which type of BMP shall be used in accordance with the document "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012.
 - d. Incorporates Treatment Control BMPs and provides information regarding design considerations;
 - e. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - f. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
 - g. The approved F-WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format;
 - h. Upon approval, a F-WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained;
 - i. The approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
 - j. The Applicant has proposed to incorporate the use of an infiltration basin. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

A copy of the final F-WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

- LD19. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's 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. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check and inspection fees.
- LD21. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100).
- LD22. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project. (MC 8.21.070)
- LD23. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the implementation and maintenance of erosion control measures required as a condition of approval of the project. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City. (MC 8.21.160)

Prior to Map Approval or Recordation

- LD24. (MA) Prior to approval of the Final Map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project, and documentation informing future owners of their implementation and maintenance requirement of the approved F-WQMP. In addition, for single-family residential development, the developer shall submit bylaws and articles of incorporation for review and approval as part of the maintenance agreement for any water quality basin.

- LD25. (MA) Prior to approval of the Final Map, all street dedications shall be 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. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD26. (MA) Prior to approval of the Final Map , the Developer shall provide a security as a guarantee of the completion of the public improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed.
- LD27. (MR) Prior to recordation of the Final Map, the Grading Plan(s) and Landscape and Irrigation Plan(s) prepared for the “Water Quality Ponds/Bio-Swales” shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer’s successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)
- LD28. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

- LD29. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)
- LD30. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.
- LD31. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
- a. Corner cutbacks in conformance with City Standard MVSI-165-0 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
- LD32. (IPA) Prior to approval of the improvement plans, the developer shall pothole to determine the exact location of existing wet and dry underground utilities. The improvement plans shall be designed based on the pothole field investigation results. The developer shall coordinate with all affected utility companies and

bear all costs of utility relocations. Any conflicting utilities shall be identified and addressed on the plans. The pothole survey data shall be submitted with the street improvement plans for reference purposes.

- LD33. (IPA) Prior to approval of the improvement plans, 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, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD34. (IPA) Prior to the approval of the improvement plans, the final hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD35. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will 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 Public Works Department – Land Development Division. (MC 9.14.110)
- LD36. (CP) All work performed within the City right-of-way requires an encroachment permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a Public Improvement Agreement (PIA) as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD37. (CP) Prior to issuance of an encroachment permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.
- LD38. (CP) Prior to issuance of an encroachment permit, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD39. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD40. (BP) Prior to issuance of building permits, if the project involves a residential subdivision, the map shall be recorded (excluding model homes). (MC 9.14.090)

LD41. (BP) Prior to the issuance of the first building permit (excluding model homes), the Developer shall execute and record a “Stormwater Treatment Device and Control Measure Access and Maintenance Covenant,” to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP

A boilerplate copy of the “Stormwater Treatment Device and Control Measure Access and Maintenance Covenant,” can be obtained by contacting the Land Development Division of the Public Works Department.

LD42. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD43. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of “Blue-top” markers installed by a registered land surveyor or licensed engineer, and the Engineer of Record and/or the Geotechnical Engineer shall provide pad certifications verifying the graded pads are in accordance with the approved grading plans.

Prior to Certificate of Occupancy

LD44. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD45. (CO) Prior to issuance of a certificate of the first occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

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- 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. Under grounding of existing and proposed utility lines less than 115,000 volts.
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- LD46. (CO) Prior to issuance of the first certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD47. (CO) Prior to issuance of a certificate of occupancy or building final for the last 20% or last 3 lots (whichever is greater, unless as otherwise determined by the City Engineer) residential lots of any Map, punch list work for improvements and capping of streets must be completed and approved for acceptance by the City.
- LD48. (CO) Prior to issuance of the first certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:
- a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
 - b. Provide the City with an Engineer's Line and Grade Certification.
 - c. Perform and pass a flow test per City test procedures.
- LD49. (CO) Prior to issuance of a certificate of occupancy or first Building Permit, the Developer shall:
- a. Notify City Staff (Land Development Division) prior to construction and installation of all structural BMPs so that an inspection(s) 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, reports, recommendations 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 basin, including regrading to approved civil drawing if necessary.
 - f. Provide City with updated Engineer's Line and Grade Certification.
 - g. Obtain approval from City to install irrigation and landscaping.
 - h. Complete installation of irrigation and landscaping.

LD50. (CO) Prior to issuance of a certificate of occupancy or building final, 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 to the City for review and approval.

Prior to Acceptance of Streets into the City Maintained Road System

LD51. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. 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.

SPECIAL CONDITIONS

LD52. This project will be conditioned to repair, replace or install any damaged, substandard or missing improvements on Dunlavy Court along tract frontage including intersection improvements at Dunlavy Court and Davis Street.

LD53. All ramps and traveled ways shall comply with current City and ADA standards.

LD54. A Lot Line Adjustment shall be recorded prior to Final Map recordation to transfer the excess property along the westerly tract boundary of Lot 1 to the adjacent westerly properties, insuring the Final Map configuration is consistent with the approved Tentative Map.

LD55. Prior to approval of the Final Map, the map shall show the following:

- a. A maximum of 15-foot street right-of-way dedication on the south side of Dunlavy Court along project frontage to ensure a centerline to south right-of-way distance of 30 feet for a modified Local Street, City Standard MVSI-107A-0.**
- b. The appropriate street right-of-way dedications within the tract to ensure a 60' right-of-way and a curb to curb distance of 40 feet and 6 foot wide sidewalk for a General modified Local Street, City Standard MVSI-107A-0.**
- c. Corner cutbacks dedication per City Standard MVSI-165-0 at the southeast corner of Dunlavy Court and Davis Street.**

LD56. Prior to any grading plan approval, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of the top or toe of slope.

LD57. Prior to any grading plan approval, the plans shall show a retaining wall placed along the westerly property line of Lot 1 instead of slope construction on the adjacent westerly private property.

LD58. Prior to rough grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements where sheet flow is concentrated onto adjacent properties. The developer will be required to obtain the necessary permission for off-site construction including easements where drainage is concentrated onto adjacent property.

LD59. Prior to approval of any grading plan, the plans and the submitted final drainage study shall clearly demonstrate this project's increased runoff

mitigation. This project shall not discharge runoff at a rate greater in the post-developed condition than that in the pre-developed condition, for any given storm event. The storms to be studied include the 1-hour, 3-hour, 6-hour and 24-hour duration events for the 2-year, 5-year, 10-year and 100-year return frequencies.

LD60. Prior to grading plan approval, as all of this site resides in FEMA floodzone designation Zone X shaded which, by definition, could include 100 year flooding up to 1 foot, the plans shall clearly demonstrate that any building finished floor elevations shall be 1 foot minimum above the 100-year base flood elevation.

LD61. Prior to Final Map approval, the Developer shall guarantee the construction of the following improvements by entering into a Public Improvement Agreement (PIA) and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

- a. Dunlavy Court, Local Street, City Standard, MVSI-107A-0 (60-foot RW / 40-foot CC) shall be constructed to half-width plus an additional 12 feet north of the centerline, along the entire project's south frontage. A maximum 15-foot right-of-way dedication on the south side of the street, along the project's north property line, shall be shown on the tract map. The developer shall construct any missing or deficient improvements along the project frontage, including the ultimate structural section for pavement, and replace the access ramp at the southeast corner of Davis Street with an ADA compliant ramp and landing. The City Engineer may require additional signing and striping for the frontage improvements to accommodate increased traffic imposed by the development. Improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal and undergrounding of any power poles with overhead utility lines less than 115,000 volts, and remove/relocate overhead utilities lining crossing the street and dry and wet utilities, except those power poles along the west tract boundary.**
- b. Prior to issuance of any building permit, the developer shall construct or secure the construction of curb, gutter, and sidewalk improvements along Dunlavy Court Lane to meet the City's requirements for a local street per City Standard No. MVSI-107A-0.**
- c. Pavement core samples of existing pavement may be taken and findings submitted to the City for review and consideration of**

alternate 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 one-tenth 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.

LD62. Prior to precise grading plan approval, the plans shall clearly show that the developer has made every attempt to treat runoff, prior to the runoff reaching the treatment control Best Management Practice(s) (BMPs), via maximum use of site design and source control BMPs.

LD63. The following project engineering design plans (24"x36" sheet size) as noted within these conditions or below, shall be submitted for review and approval as well as additional plans deemed necessary by the City during the plan review process:

- a. Rough Grading Plan
- b. Precise Grading Plan
- c. Street Improvement Plan
- d. Signing and Striping Plan
- e. Traffic Control Plan
- f. Final Drainage Study
- g. Final WQMP
- i. As-Built Plans of all "plans" listed above.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

Special Districts Division

Acknowledgement of Conditions

The following items are the Special Districts Division's Conditions of Approval for project **PA14-0031**; this project shall be completed at no cost to any Government Agency. All questions regarding the following Conditions including but not limited to intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Financial & Management Services Department 951.413.3480 or by emailing specialdistricts@moval.org.

General Conditions

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into a City coordinated landscape maintenance program, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. The guidelines are available on the City's website at www.moval.org/sd or from the Special Districts Division (951.413.3480 or specialdistricts@moval.org).
- SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/or median landscape maintenance for a period of one (1) year commencing from the time all items of work have been completed to the satisfaction of the Director for the Special Districts Division or their appointed staff as per the *City of Moreno Valley Public Works Department Landscape Design Guidelines*, or until such time as the District accepts maintenance responsibilities.
- SD-4 Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
- SD-5 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)

- SD-6 Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)
- SD-7 Street Light Authorization forms for all street lights that are conditioned to be installed as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison. For questions, contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.

Prior to Recordation of Final Map

- SD-8 (R) This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trail systems. The Developer shall satisfy this condition with one of the options below.
- a. Participate in a special election for annexation into **Community Facilities District No. 1** and pay all associated costs of the special election process and formation, if any; or
 - b. Establish an endowment fund to cover future maintenance costs for new neighborhood parks.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

Annexation to CFD No. 1 shall be completed or proof of payment to establish the endowment fund shall be provided prior to the issuance of the first building permit for this project.

- SD-9 (R) This project has been identified to be included in the formation of a Community Facilities District for **Public Safety** services including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the property

owner shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify the Special Districts Division at 951.413.3480 or specialdistricts@moval.org of its intent to record the final map for the development 90 days prior to City Council action authorizing recordation of the map to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)

- SD-10 (R) This project is conditioned to provide a funding source for the capital improvements, energy charges, and maintenance for **street lighting**. The Developer shall satisfy this condition with one of the options below.
- a. Participate in a special election (mail ballot proceeding) for **street lighting** and pay all associated costs of the special election and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
 - b. Establish an endowment fund to cover future operation and maintenance costs for the street lights.
 - c. Projects with privately maintained streets, establish a property Owner Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs associated with the street lights installed on private roadways. This does not apply to publicly accepted roadways.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

The financial option selected shall be in place prior to the issuance of the first building permit.

- SD-11 (R) This project is conditioned to provide a funding source for the operation and maintenance of public improvements and/or services associated with new development in that territory. The Developer shall satisfy this condition with one of the options below.

- a. Participate in a special election for **maintenance/services** and pay all associated costs of the election process and formation, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- b. Establish an endowment fund to cover the future maintenance and/or service costs.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process in compliance with the provisions of Article 13C of the California Constitution.

The financial option selected shall be in place prior to the issuance of the first building permit.

- SD-12 *Residential* (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, system evaluations and enhancements, remediation and/or replacement, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or specialdistricts@moval.org of its selected financial option (see Land Development's related condition) 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

Prior to Building Permit Issuance

- SD-13 (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (specialdistricts@moval.org). Any change in the project which may increase the number of street lights to be installed will require payment of

additional Advanced Energy fees at the then current fee. Questions may be directed to the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.

- SD-14 (BP) For those areas to be maintained by the City and prior to the issuance of the first Building Permit, Planning Division (Community and Economic Development Department), Special Districts Division (the Financial & Management Services Department) and Transportation Division (the Public Works Department) shall review and approve the final median, parkway, slope, and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

- SD-15 (CO) Landscape and irrigation plans for parkway, median, slope, and/or open space landscape areas designated to be maintained by the City shall be placed on compact disk (CD) in pdf format. The CD shall include "As Built" plans, revisions, and changes. The CD will become the property of the City of Moreno Valley and the Moreno Valley Community Services District.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

- TE1. The existing speed hump on Dunlavy Court shall be repaired as required per City of Moreno Valley Standard Plan No. MVSI-134A,B-0.
- TE2. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. MVSI-111A-0 for residential driveway approach.
- TE3. Conditions of approval may be modified or added if the project is modified from the approved plans.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE4. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets.
- TE5. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.
- TE6. Prior to final approval of the street improvement, grading, and/or landscape plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. MVSI-164A, 164B, 164C-0.

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

- TE7. (CO) Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans to the satisfaction of the City Traffic Engineer.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

- TE8. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

FIRE PREVENTION BUREAU

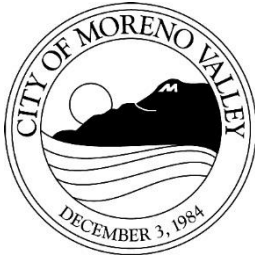
With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. 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)
- F2. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 105)
- F3. Prior to issuance of Certificate of Occupancy or Building Final, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height. (CFC 505.1, MVMC 8.36.060[I])
- F4. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9, MVMC 8.36.100[D])

POLICE DEPARTMENT

Standard Conditions

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080)
- PD2. (GP) 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. (DC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community and Economic Development Department - Building Division for routing to the Police Department. (DC 9.08.080)
- PD4. Addresses needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: July 23, 2015

CONDITIONAL USE PERMIT (PA15-0008) FOR A NEW WIRELESS COMMUNICATIONS FACILITY WITH A 55 FOOT MONOPALM TREE.

Case: PA15-0008 (Conditional Use Permit)
Applicant: Verizon Wireless
Owner: Strong Tower Church of God (Pastor John Ooten)
Representative: Core Development Services (Henry Castro)
Location: 24771 Iris Avenue
Case Planner: Claudia Manrique
Council District: 4

Summary

The proposal is for a new Verizon wireless telecommunications facility on a 55 foot monopalm located at 24771 Iris Avenue (APN(s): 316-030-020 & -021). The project location is the site of Strong Tower Church of God. In addition to the monopalm structure, the facility includes a new ground level equipment enclosure designed to conceal the required equipment and that matches the architectural character of the neighboring church structure.

Project

Verizon Wireless is proposing a Wireless Communication Facility (WCF) consisting of a 55 foot monopalm. The WCF is proposed to be located at 24771 Iris Avenue (APN(s): 316-030-020 & -021), which is the site of Strong Tower Church of God (Attachment 1). The project site is zoned R5 for residential. Pursuant to Municipal Code Section 9.09.040.E.3, WCFs are allowed within an R5 zone with a properly reviewed and approved Conditional Use Permit (CUP).

The design of the monopalm is intended to mask its appearance as a tower and attempts to match existing palm trees around the site (Attachment 2). The stealth WCF will consist of three sectors, each with four antennas, for a total of twelve (12) antennas. One (1) microwave dish or “parabolic antenna” is also proposed on the monopalm, along with twelve (12) Remote Radio Units (RRU) and two (2) raycaps. Antenna arrays and panels will be painted to match the faux palm fronds; helping to blend the equipment with the faux palm. In addition, the tower will contain a faux palm frond skirt which will completely hide the attached parabolic antenna from view.

Verizon’s new Modular Control Equipment (MCE) designs do not require an equipment shelter and allows for a smaller footprint. The 900 square foot walled leased area will house the equipment cabinets, battery cabinets and a stand-by generator. The leased area will be screened by an eight (8) foot block wall, painted to match the existing structures. The existing shed structure that is currently in disrepair will be removed prior to the issuance of a building permit of the WCF.

The proposed 55 foot tall monopalm will fill a gap in cell coverage capacity. The design of the monopalm tree blends in with the existing tree species on site. Two (2) additional 24” boxed palm trees will be planted as well. The applicant has prepared photographic simulations of the proposed installation from multiple perspectives, which are included as Attachment 3.

Site/Surrounding Area

The project site is located at 24771 Iris Avenue. The site is currently developed with an existing church.

The parcel is within a Residential 5 (R5) zoning district (Attachment 4). The areas surrounding the project site to the south, southwest and west include single-family residences and are zoned Residential 5 (R5). Properties to the north of the site are Residential 30 (R30) zoned parcels, and commercial zoned parcels are located to the northeast and southeast. The Rainbow Ridge Elementary School and March Middle School (Moreno Valley Unified School District) are to the northwest and are zoned Public (P). The proposed wireless tower has been evaluated against General Plan policy 7.7.6 and Section 9.09.040 (Communication facilities, antennas and satellite dishes) of the City Municipal Code and staff has confirmed that the proposed project does not conflict with any goals, objectives, policies, and/or programs of the General Plan.

Access

Vehicular access to the site will be from Iris Avenue through the church’s parking lot to the leased area via an existing driveway to the leased area. The applicant will use one unassigned parking space next to the leased area and monopalm for maintenance purposes.

Review Process

This project was submitted in February 2015. City staff from various departments including the Fire Prevention Bureau reviewed the proposal and worked with the applicant to resolve the issues and interests raised.

ENVIRONMENTAL

Planning staff, as is typical with all planning projects, has reviewed the request in accordance with the latest edition of the California Environmental Quality Act (CEQA) Guidelines and has determined the project will not result in any significant effect on the environment and qualifies for an exemption under the provisions of CEQA as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures.

NOTIFICATION

In accordance with Section 9.02.200 of the Municipal Code, public notification was sent to all property owners of record within 300' of the proposed project site on July 10, 2015 (Attachment 5). In addition, the public hearing notice for this project was posted on the project site on July 10, 2015, and published in the Press Enterprise newspaper on July 10, 2015.

STAFF RECOMMENDATION

Recommend the Planning Commission **APPROVE** Resolution No. 2015-20.

1. **CERTIFY** that the proposed Verizon wireless telecommunications facility is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures; and
2. **APPROVE** Conditional Use Permit PA15-0008 based on the findings contained in Planning Commission Resolution 2015-20, subject to the conditions of approval included as Exhibit A of the Resolution.

Prepared by:
Claudia Manrique
Associate Planner

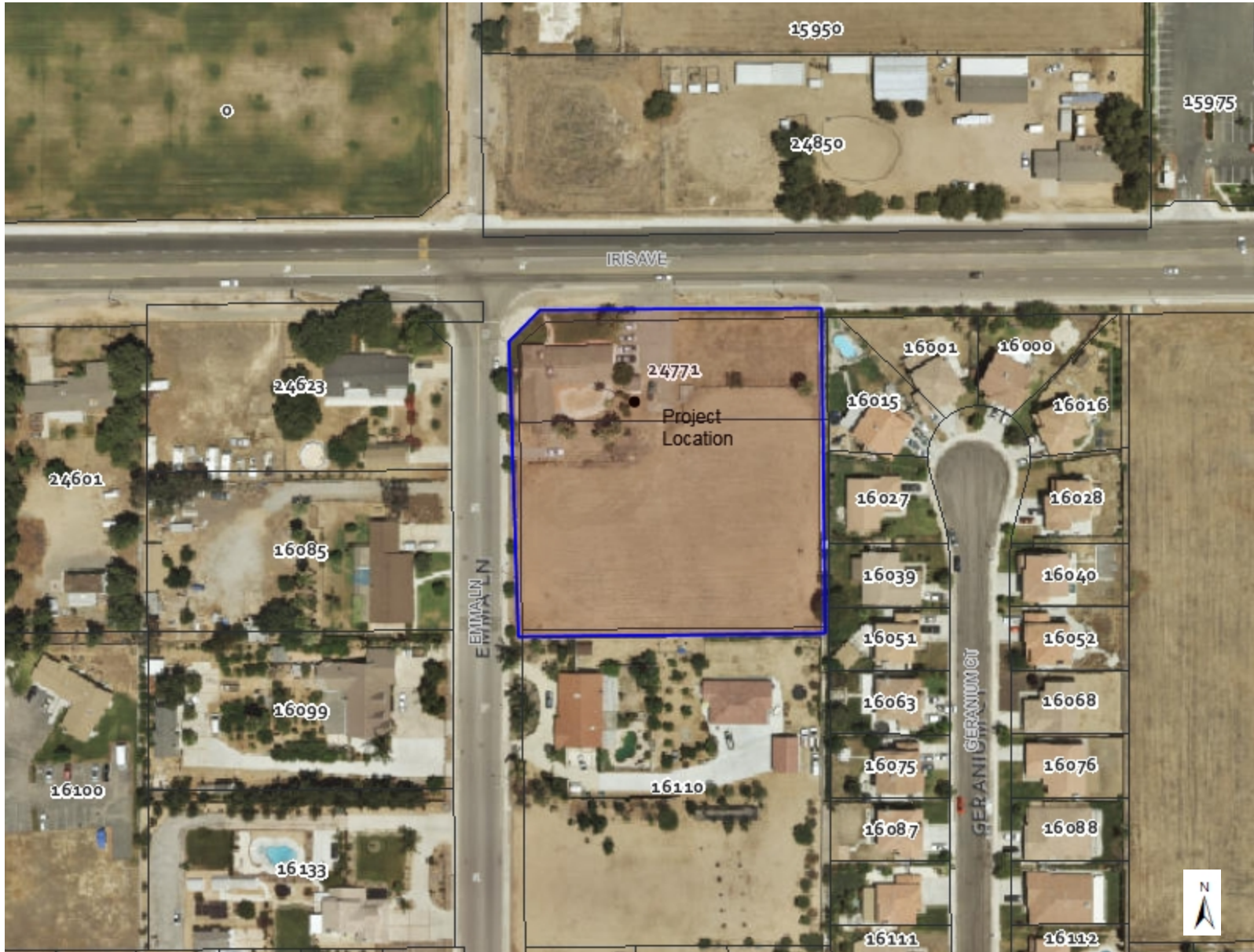
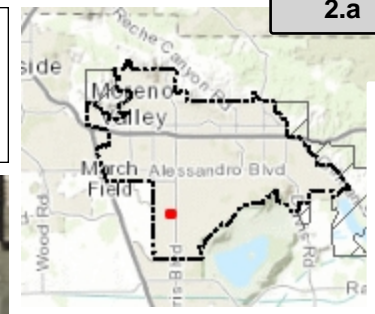
Approved by:
Allen Brock
Community Development Director

ATTACHMENTS



1. Aerial Photograph
2. Site Plans and Elevations
3. Photographic Simulations
4. Zoning Map
5. Public Notice

- 6. Resolution 2015-20
- 7. PA15-0008 Final COAs

Aerial Photograph PA15-0008



Legend

-  Road Labels
-  Parcels

Notes

The proposal is for a new wireless telecommunications facility with a 55 foot monopalm located at 24771 Iris Avenue (APN(s): 316-030-020 & -021) which is the site of Strong Tower Church of God

293.8 0 146.91 293.8 Feet

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



15505 SAND CANYON AVE.
IRVINE, CA 92618



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WIRELESS INFRASTRUCTURE
2675 PRATIUM AVENUE
Hoffman Estates, Illinois 60182
PH: (224) 295-8533 FAX: (224) 295-6444
CORPORATE © 2014 W-T COMMUNICATION DESIGN GROUP, LLC



PROJECT NO: 1142248
DRAWN BY: JMH
CHECKED BY: BJB

D	9/9/15	REVISED TOWER ZONING DRAWINGS
E	3/27/15	REVISED TOWER ZONING DRAWINGS
F	1/29/14	TOWER ZONING DRAWINGS
G	9/27/14	TOWER ZONING DRAWINGS
REV	DATE	DESCRIPTION

NOT TO BE USED FOR CONSTRUCTION

IT IS A VIOLATION OF LAW FOR ANY PERSON TO REPRODUCE OR TRANSMIT ANY INFORMATION OF A TRADE SECRET NATURE, OR TO DISCLOSE THIS DOCUMENT.

GENTIAN
24771 IRIS AVENUE
MORENO VALLEY, CA 92551
RIVERSIDE COUNTY

SHEET TITLE
PROJECT DATA

SHEET NUMBER
T-1

GENERAL NOTES
THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN THE GENERATION OF TRAFFIC, AIR POLLUTION, OR NOISE. THERE IS NO POTENTIAL FOR POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

APPROVALS

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.

DISCIPLINE	SIGNATURE	DATE
LANDLORD:		
PROJECT MANAGER:		
CONSTRUCTION MANAGER:		
RF ENGINEER:		
SITE ACQUISITION:		
ZONING MANAGER:		
UTILITY COORDINATOR:		
NETWORK OPERATIONS:		

DRAWING INDEX

SHEET NO:	SHEET TITLE
T-1	TITLE SHEET & PROJECT DATA
A-1	OVERALL SITE PLAN
A-2	ENLARGED SITE & ANTENNA PLAN
A-3	ELEVATIONS
A-4	ELEVATIONS

811
Know what's below.
Call before you dig.

NOTE: CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL UTILITY COMPANIES OF ALL UNDERGROUND UTILITIES.

W-T Communication Design Group's Commitment to Quality

PLEASE VISIT WWW.811.CA.GOV TO FILL OUT OUR ONLINE SURVEY.

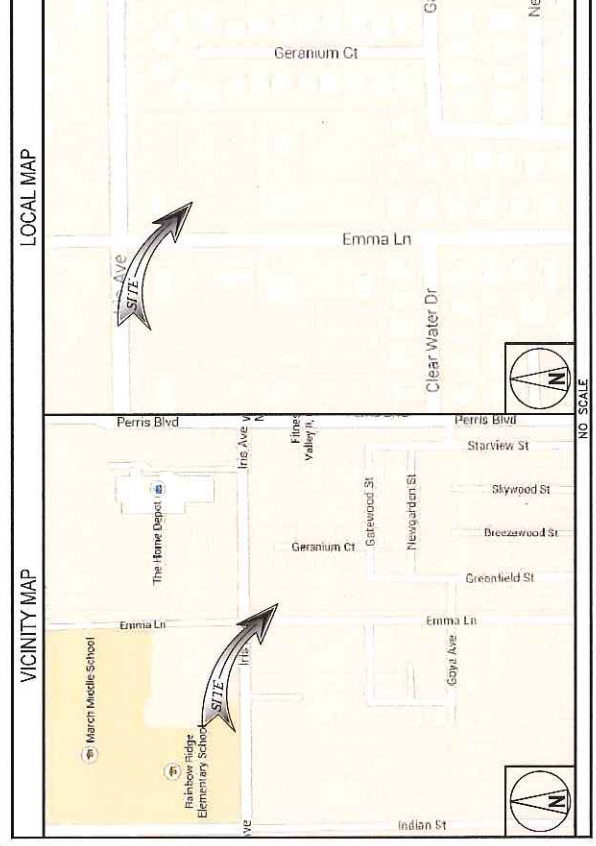
GENTIAN
24771 IRIS AVENUE
MORENO VALLEY, CA 92551
RIVERSIDE COUNTY

verizon wireless

STEALTH ANTENNA STRUCTURE

CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE PROJECT SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

11'x17' PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED



DRIVING DIRECTIONS FROM VERIZON WIRELESS IRVINE OFFICE

STARTING FROM VERIZON WIRELESS IRVINE OFFICE:
GET ON CA-153 N FROM BARRANCA PKWY. HEAD SOUTHWEST ON SAND CANYON AVE TOWARD WATERWORKS WAY. TURN LEFT ONTO BARRANCA PKWY. TURN RIGHT ONTO PACIFICA. TURN RIGHT ONTO THE STATE HIGHWAY 133 N RAMP. TAKE CA-241 N AND CA-51 E TO ARLINGTON AVENUE. TAKE THE ARLINGTON AVENUE EXIT. TURN LEFT ONTO TURN RIGHT ONTO HEACOCK STREET. TURN LEFT ONTO MERRICK PARKWAY. TURN LEFT ONTO DACTUS AVENUE. DESTINATION WILL BE ON THE RIGHT.
ARRIVE AT 24771 IRIS AVENUE, MORENO VALLEY, CA 92551.

ENGINEERING

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CALIFORNIA ELECTRICAL CODE AND ALL APPLICABLE GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE FOLLOWING CODES:

- 2013 CALIFORNIA ADMINISTRATIVE CODE - TITLE 24, PART 1
- 2013 CALIFORNIA ELECTRICAL CODE - TITLE 24, PART 2
- 2013 CALIFORNIA MECHANICAL CODE - TITLE 24, PART 4
- 2013 CALIFORNIA PLUMBING CODE - TITLE 24, PART 5
- 2013 CALIFORNIA FIRE CODE - TITLE 24, PART 6
- 2013 CALIFORNIA FIRE CODE - TITLE 24, PART 9
- ANSI/ISA-22.6 USE SAFETY CODE
- 2010 NFPA 72, NATIONAL FIRE ALARM CODE
- 2010 NFPA 13, SPRINKLER CODE
- CITY/ COUNTY ORDINANCES

PROJECT DESCRIPTION

CONSTRUCTION OF AN UNMANNED WIRELESS CELL SITE FOR VERIZON WIRELESS.

PROJECT CONSISTS OF:

- (1) 120' RU'S HIGH VERIZON WIRELESS STEALTH ANTENNA STRUCTURE
- (2) PANEL ANTENNAS
- (2) RANGERS
- (2) FANCOILS
- (1) 84 CAL. LEAD STANDBY GENERATOR WITH FUEL TANK
- (2) EQUIPMENT CABINETS - WSE DESIGN
- CONNECTION AS REQUIRED FOR POWER AND TELCO SERVICES
- (2) 2" 90' DIAMETER CONCRETE FOUNDATION W/ 4" REBAR
- (2) PROPOSED 24" BOX PALM TREES

SITE INFORMATION

PROPERTY OWNER: JONI SAS MARGERA R. GOTTEN
24771 IRIS AVENUE
MORENO VALLEY, CA 92551
PHONE: (651) 208-5021

TOWER OWNER: VERIZON WIRELESS
15505 SAND CANYON AVE.
IRVINE, CA 92618

SITE CONTACT: VERIZON WIRELESS
BLDG. D 1st FL.
CONTACT: PROPERTY MANAGEMENT
CONTACT NUMBER: (949) 288-7000

COUNTY: RIVERSIDE COUNTY

LEASE AREA: TOTAL OF 308sq. FT.

ZONING JURISDICTION: CITY OF MORENO VALLEY

ZONING DISTRICT: RS (RESIDENTIAL)

PARCEL #: 318-030-021; 020

OCCUPANCY GROUP: B/U

CONSTRUCTION TYPE: G-M

POWER COMPANY: T.B.D.

SITE ACQUISITION MANAGER: CORE DEVELOPMENT SERVICES
2749 SATURN STREET
BREA, CA 92821
CONTACT NUMBER: (714) 323-2612

SURVEYOR: CORE DEVELOPMENT SERVICES
2749 SATURN STREET
BREA, CA 92821
CONTACT NUMBER: (714) 884-3113

CONTACT INFORMATION:
SITE CONTACT: CORE DEVELOPMENT SERVICES
2749 SATURN STREET
BREA, CA 92821
CONTACT: HENRY CASTRO
PHONE: (714) 465-0451



PROJECT NO: 1142248
 DRAWN BY: JWH
 CHECKED BY: BJB

REV	DATE	DESCRIPTION
B	5/6/15	ISSUED 100% ZONING DRAWINGS
C	5/27/15	ISSUED 100% ZONING DRAWINGS
B	11/29/14	100% ZONING DRAWINGS
A	8/27/14	100% ZONING DRAWINGS

NOT TO BE USED FOR CONSTRUCTION

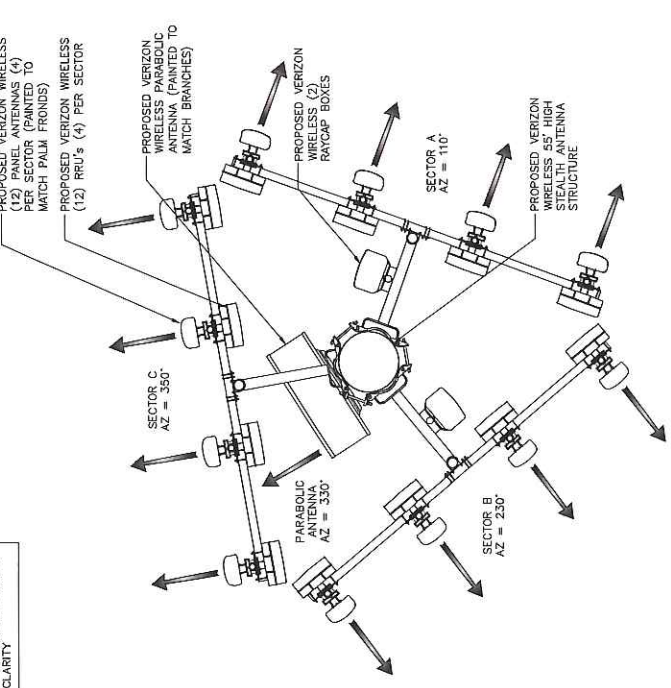
IT IS A VIOLATION OF LAW FOR ANY PERSON, FIRM OR CORPORATION TO REPRODUCE, COPY, OR TRANSMIT THIS DOCUMENT.

GENTIAN
 24771 IRIS AVENUE
 MORENO VALLEY, CA 92551
 RIVERSIDE COUNTY

SHEET TITLE
 ENLARGED SITE
 & ANTENNA PLAN

SHEET NUMBER
 A-2

NOTE: SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THIS TOWER OR STRUCTURE. NEW ANTENNAS SHOWN ON THIS PLAN ARE TO BE SUPPORTED BY THE EXISTING TOWER OR STRUCTURE. THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS, PRIOR TO ANY ANTENNA INSTALLATION, A STRUCTURAL EVALUATION OF THE TOWER OR STRUCTURE, INCLUDING ALL ANTENNA MOUNTING SYSTEMS AND HARDWARE, SHOULD BE PERFORMED.



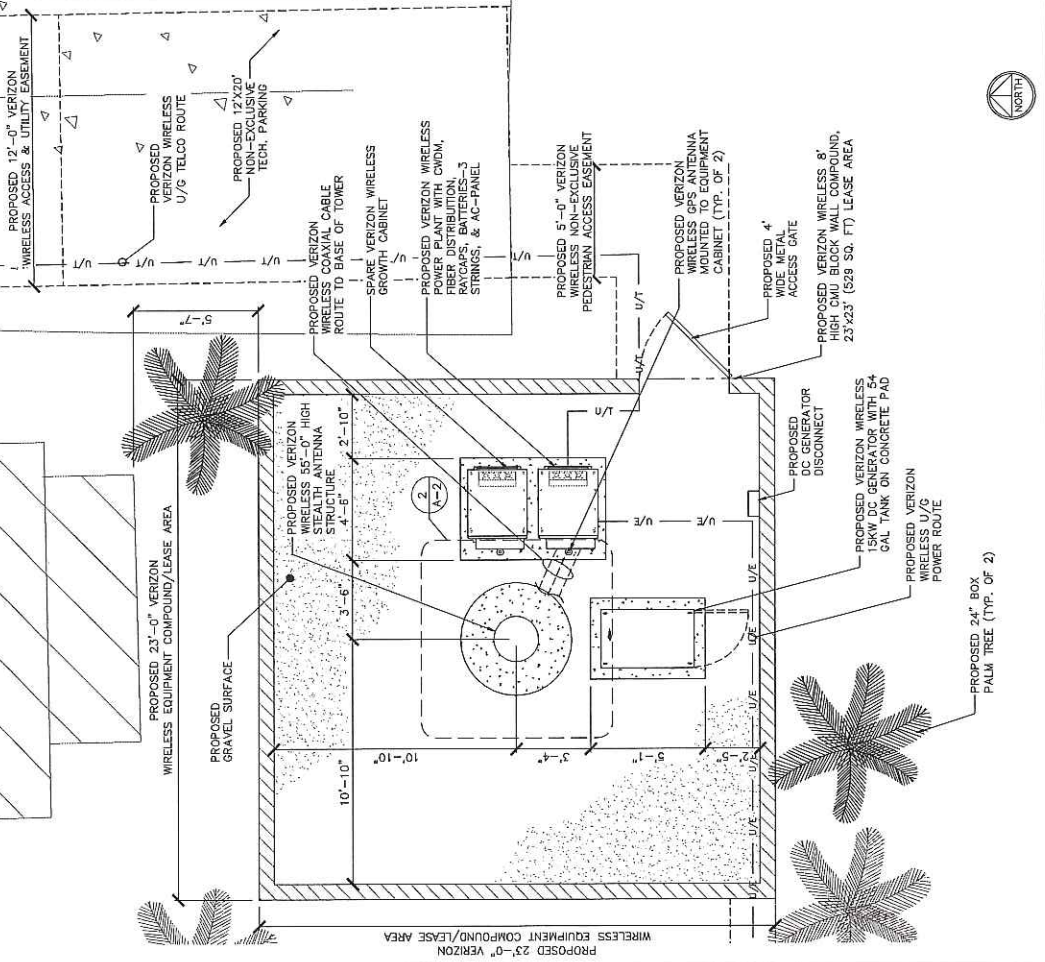
COAX ANTENNA SCHEDULE

ANTENNA SECTOR	AZIMUTH	NUMBER OF ANTENNAS	COAX LENGTH	COAX SIZE
ALPHA	110°	4	80'±	7/8"
BETA	230°	4	80'±	7/8"
GAMMA	350°	4	80'±	7/8"
PARABOLIC	330°	1	80'±	3/4"
GPS	N/A	2	25'±	1/2"

NOTE: CONSTRUCTION MANAGER TO FIELD VERIFY CABLE LENGTHS PRIOR TO OPENING, FABRICATION, OR INSTALLATION OF CABLES CHECK RF DATA SHEET.

NOTE: FRONDS NOT SHOWN FOR CLARITY

NOTE: REFERENCE SURVEY BY DIAMONDBACK LAND SURVEYING INC. IS TO BE USED FOR ALL EXISTING EASEMENT INFORMATION. PALM FRONDS AND TOWER EQUIPMENT NOT SHOWN FOR CLARITY.



ENLARGED ANTENNA PLAN & COAX/ANTENNA SCHEDULE

ENLARGED SITE PLAN

SCALE: 3/8"=1'

SCALE: 3/8"=1'

2

1



PROJECT NO: T142248
 DRAWN BY: JMH
 CHECKED BY: RBJ

D	3/29/19	REVISED: 100% ZONING DRAWINGS
C	3/27/19	REVISED: 100% ZONING DRAWINGS
B	1/29/19	100% ZONING DRAWINGS
A	8/27/18	100% ZONING DRAWINGS
REV	DATE	DESCRIPTION

NOT TO BE USED FOR CONSTRUCTION

THIS DOCUMENT IS THE PROPERTY OF W-T COMMUNICATION DESIGN GROUP, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF W-T COMMUNICATION DESIGN GROUP, LLC.

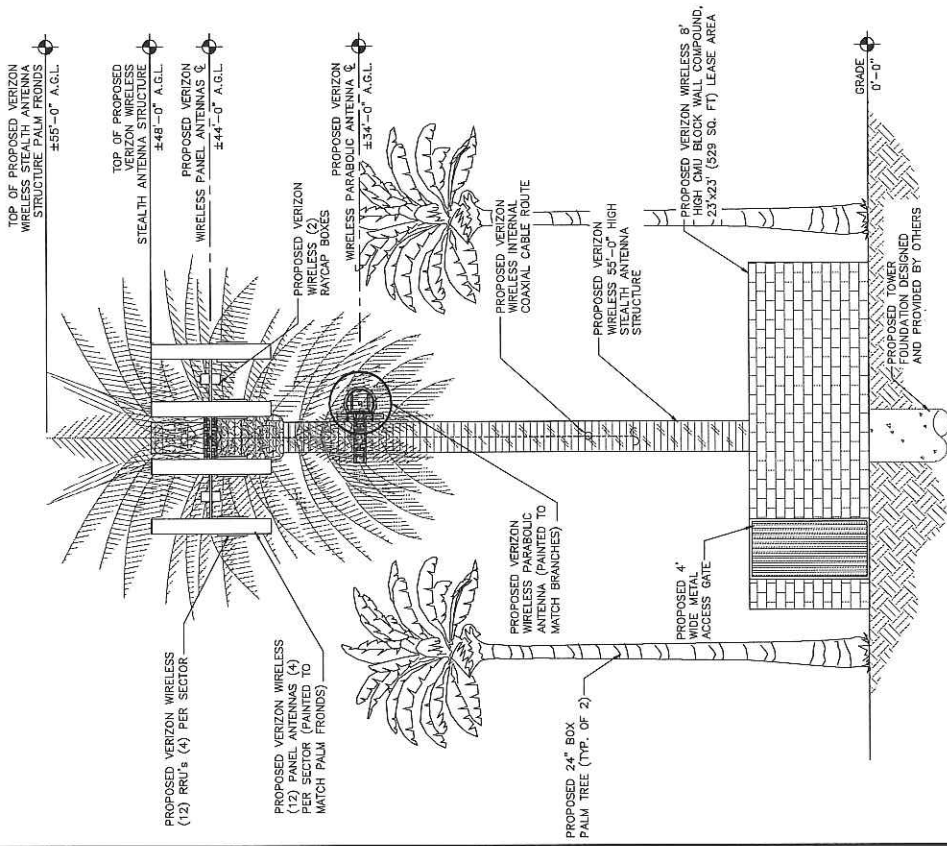
GENTIAN
 24771 IRIS AVENUE
 MORENO VALLEY, CA 92551
 RIVERSIDE COUNTY

SHEET TITLE
 ELEVATIONS

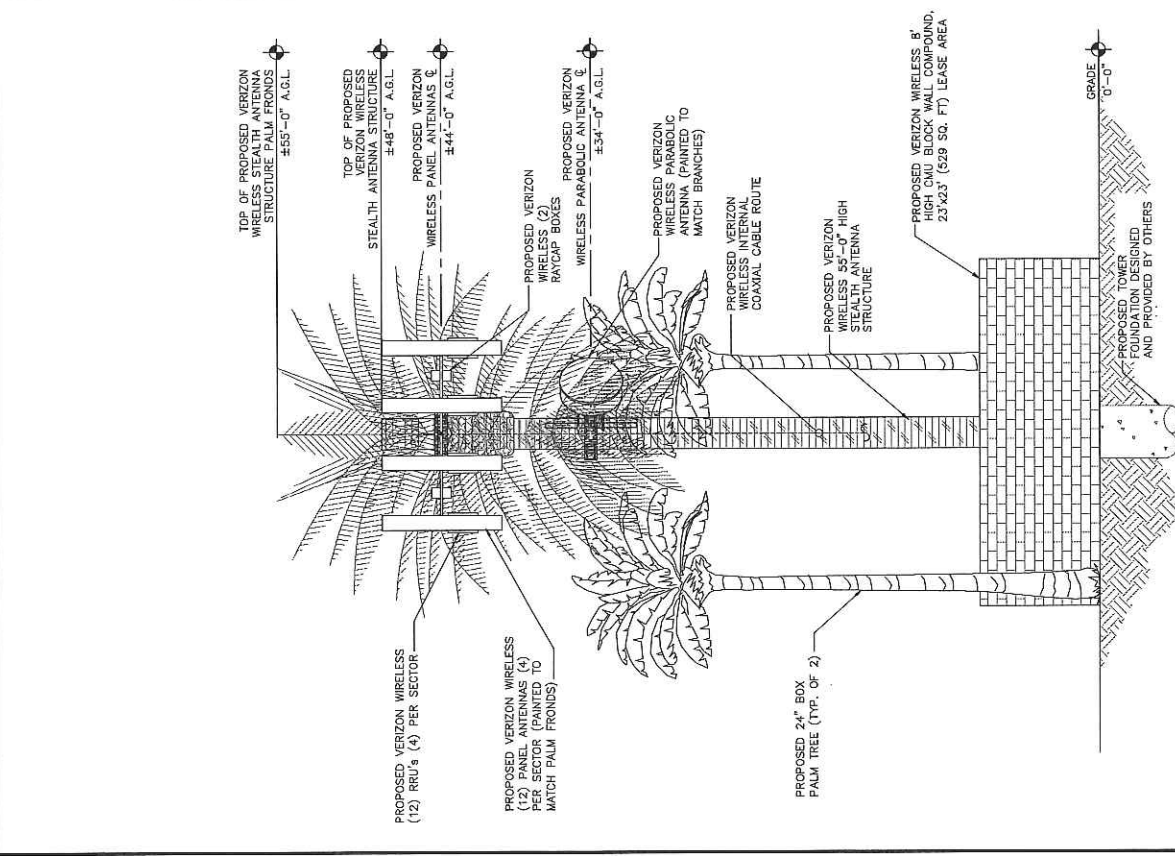
SHEET NUMBER
 A-3

NOTE:
 W-T'S SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THE TOWER OR STRUCTURE. THE CLIENT IS RESPONSIBLE FOR HAVING THE TOWER OR STRUCTURE EVALUATED TO VERIFY THE TOWER OR STRUCTURE HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS. PRIOR TO ANY ANTENNA INSTALLATION, A STRUCTURAL EVALUATION OF THE TOWER OR STRUCTURE, INCLUDING ALL ANTENNA MOUNTING SYSTEMS AND HARDWARE, SHOULD BE PERFORMED.

NOTE:
 ALL CABLES TO BE ROUTED ON THE INTERIOR OF STEALTH ANTENNA STRUCTURE



PROPOSED EAST ELEVATION SCALE: 1/8"=1' 2



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

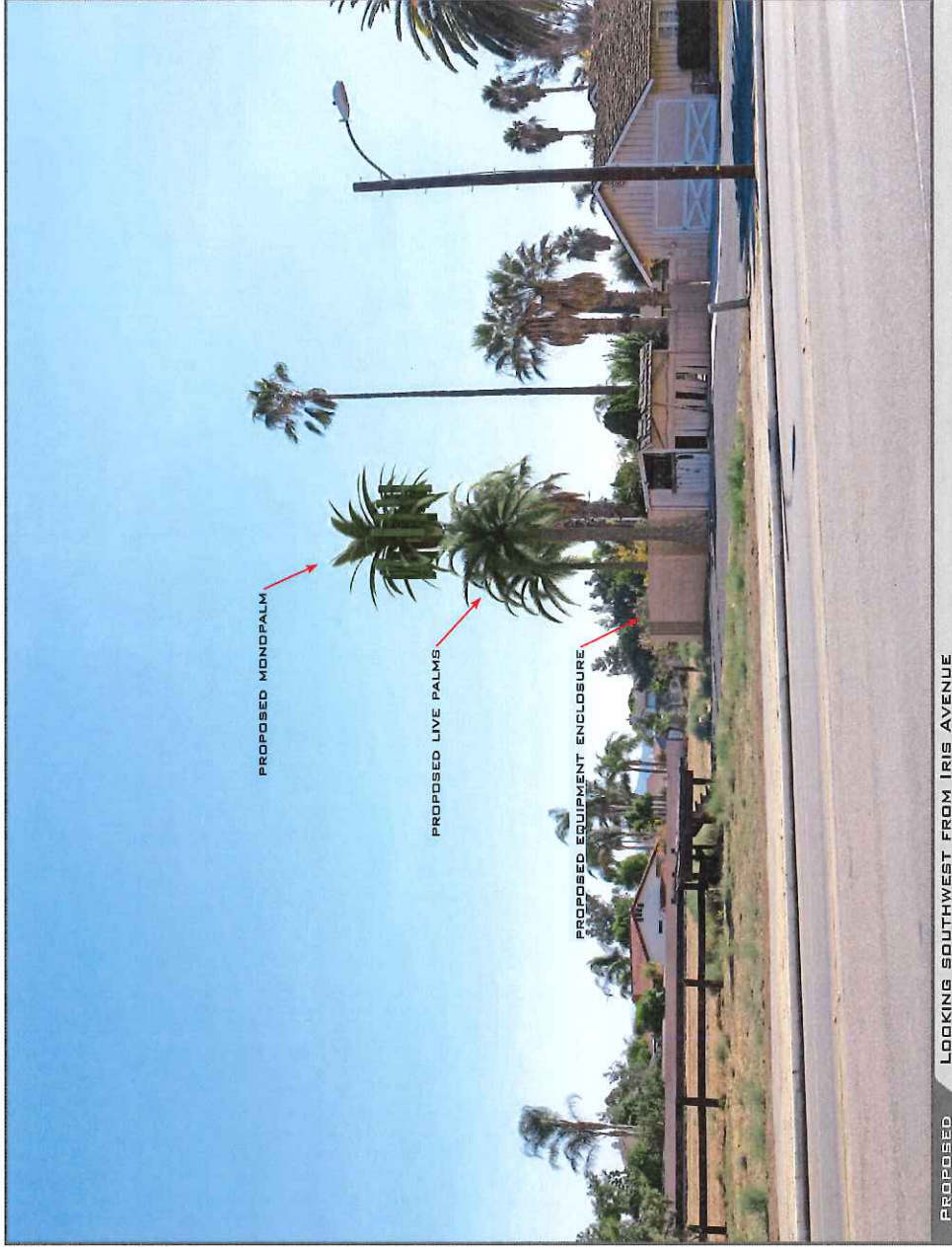
GENTIAN

24-771 IRIS AVENUE MORENO VALLEY CA 92551



Attachment: Site Plans and Elevations (1578 : Conditional Use Permit (PA15-0008) for a new wireless

VIEW 1



PROPOSED LOOKING SOUTHWEST FROM IRIS AVENUE



EXISTING

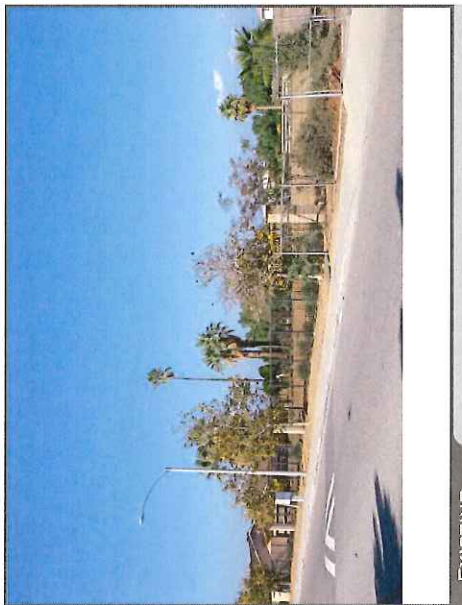
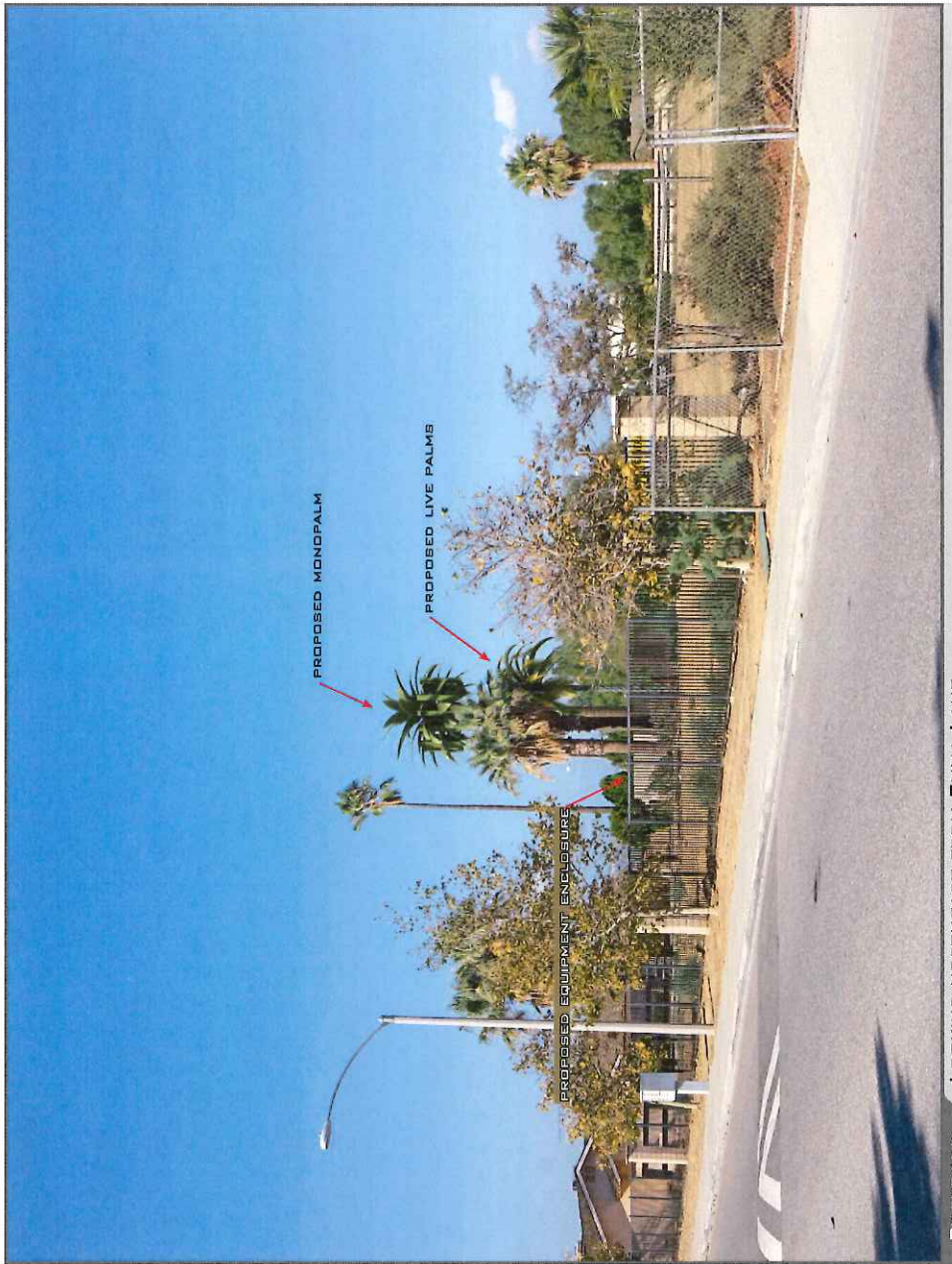
ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

GENTIAN

24771 IRIS AVENUE MORENO VALLEY CA 92551



VIEW 2



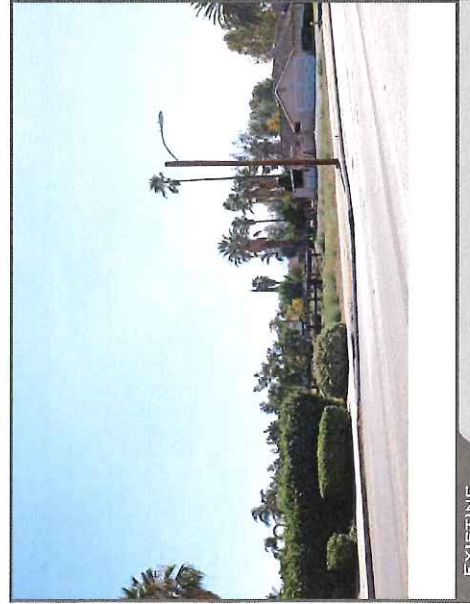
ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

GENTIAN

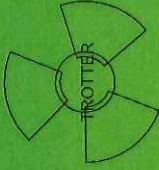
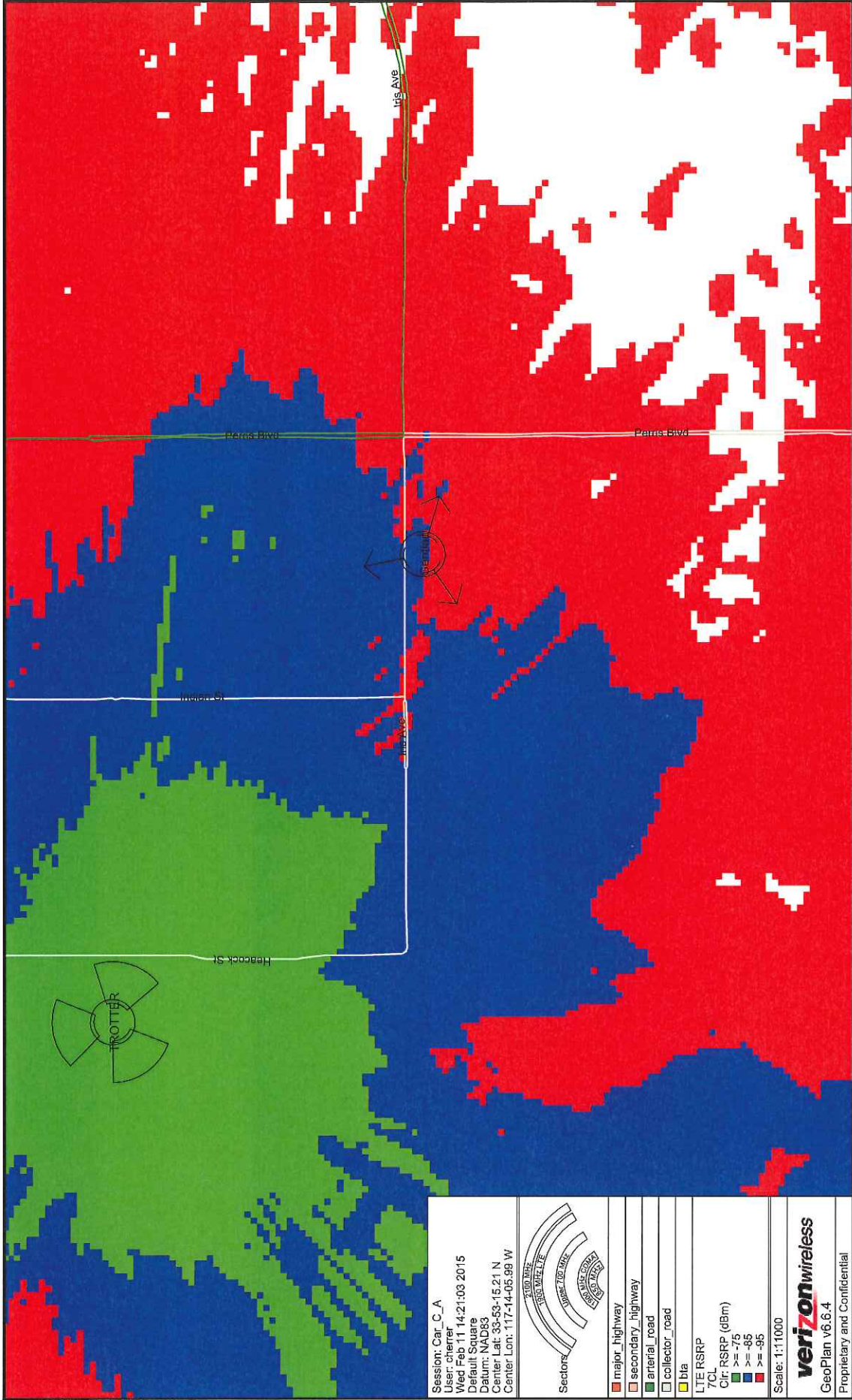
24771 IRIS AVENUE MORENO VALLEY CA 92551

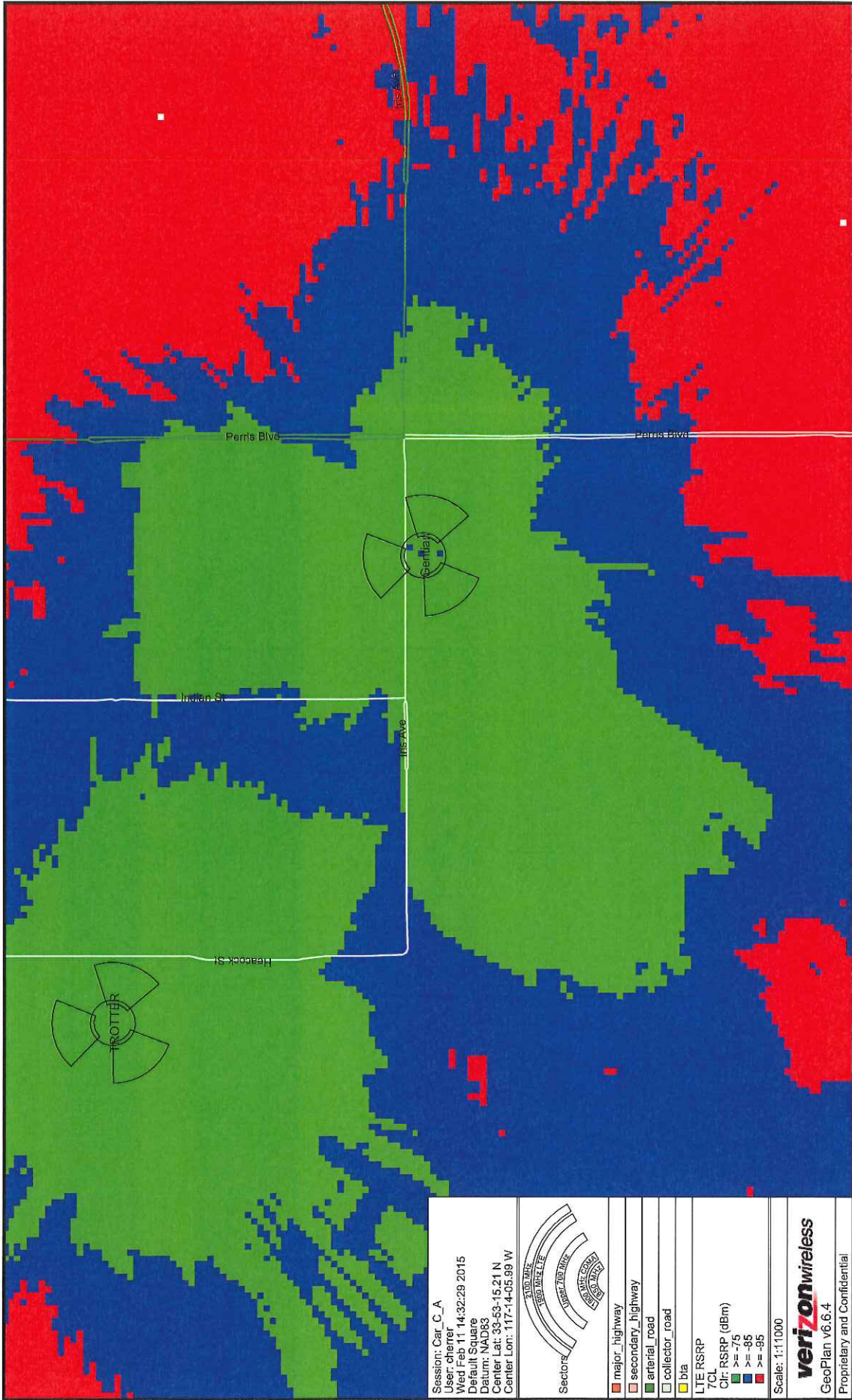


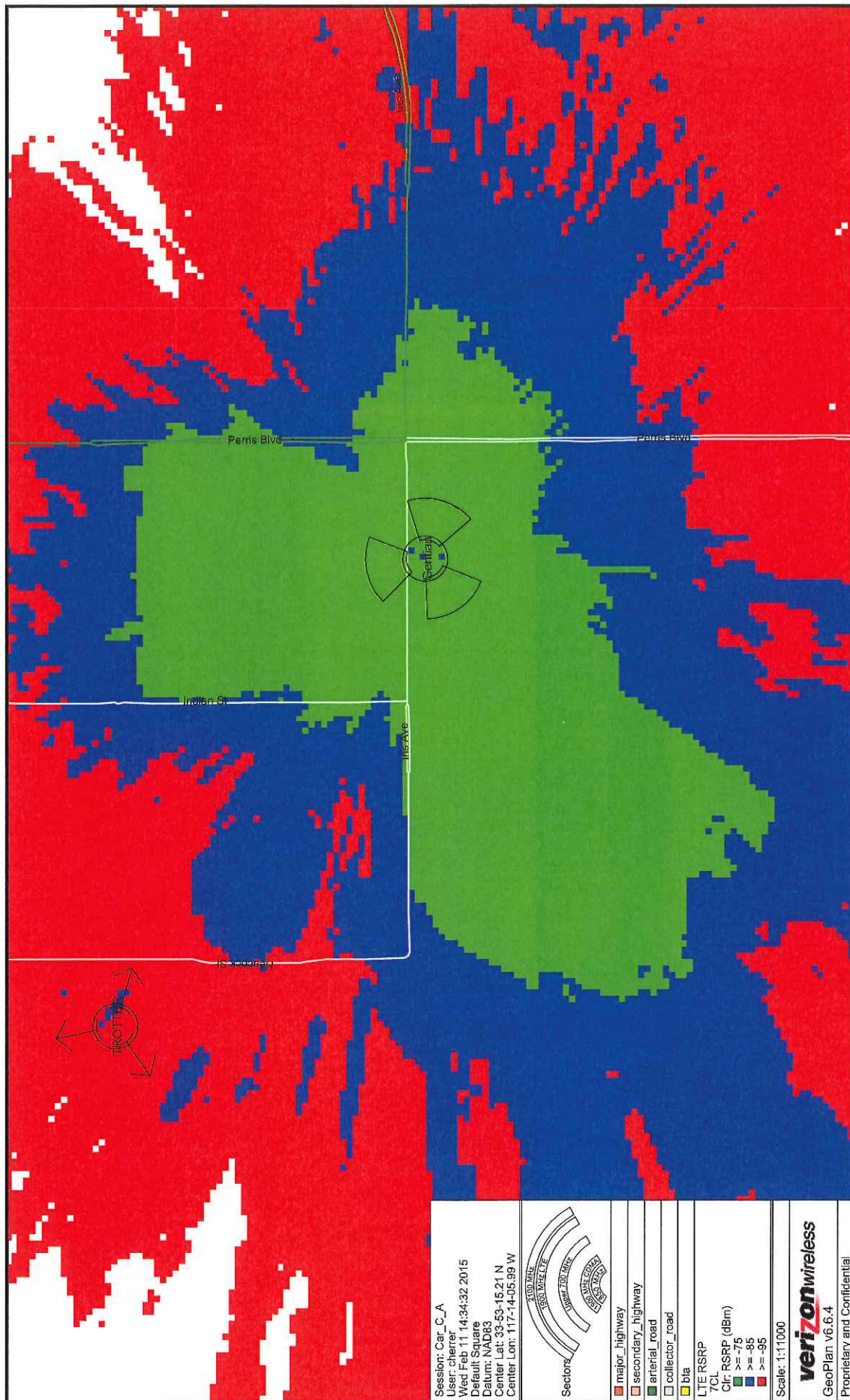
VIEW 3



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.







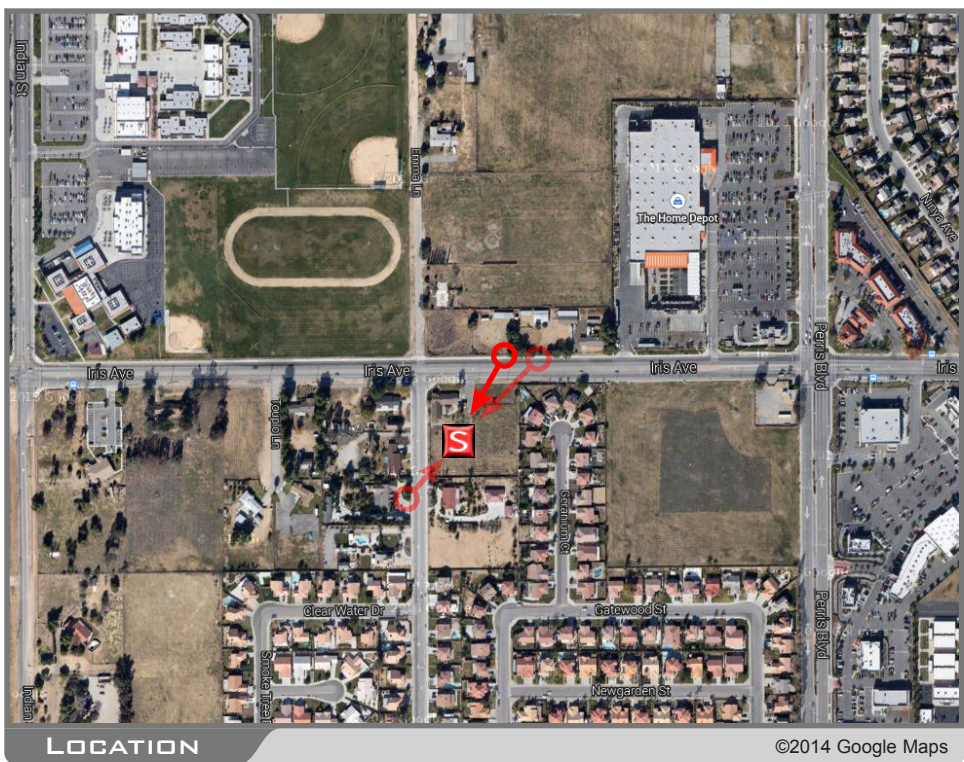


GENTIAN

24771 IRIS AVENUE MORENO VALLEY CA 92551



VIEW 1



LOCATION

©2014 Google Maps



EXISTING



PROPOSED

LOOKING SOUTHWEST FROM IRIS AVENUE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PR

Attachment: Photographic Simulations (1578 : Conditional Use Permit (PA15-0008) for a new wireless communications facility with a 55 foot



GENTIAN

24771 IRIS AVENUE MORENO VALLEY CA 92551



VIEW 2



LOCATION

©2014 Google Maps



EXISTING



PROPOSED

LOOKING NORTHEAST FROM EMMA LANE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PR

Attachment: Photographic Simulations (1578 : Conditional Use Permit (PA15-0008) for a new wireless communications facility with a 55 foot

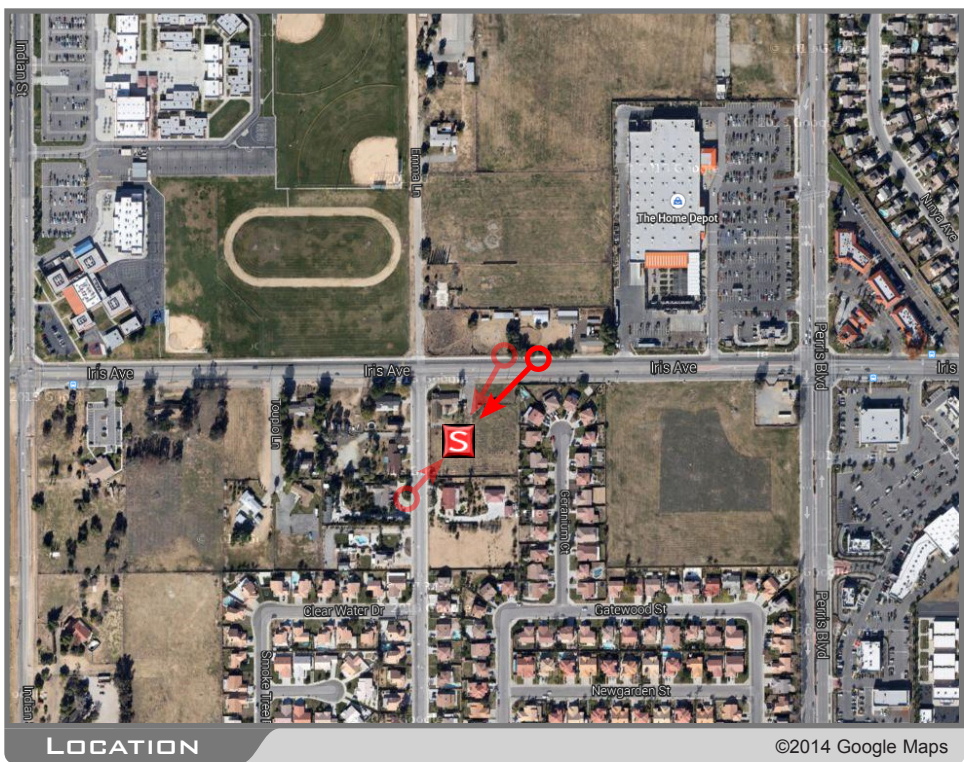


GENTIAN

24771 IRIS AVENUE MORENO VALLEY CA 92551



VIEW 3



LOCATION

©2014 Google Maps



EXISTING



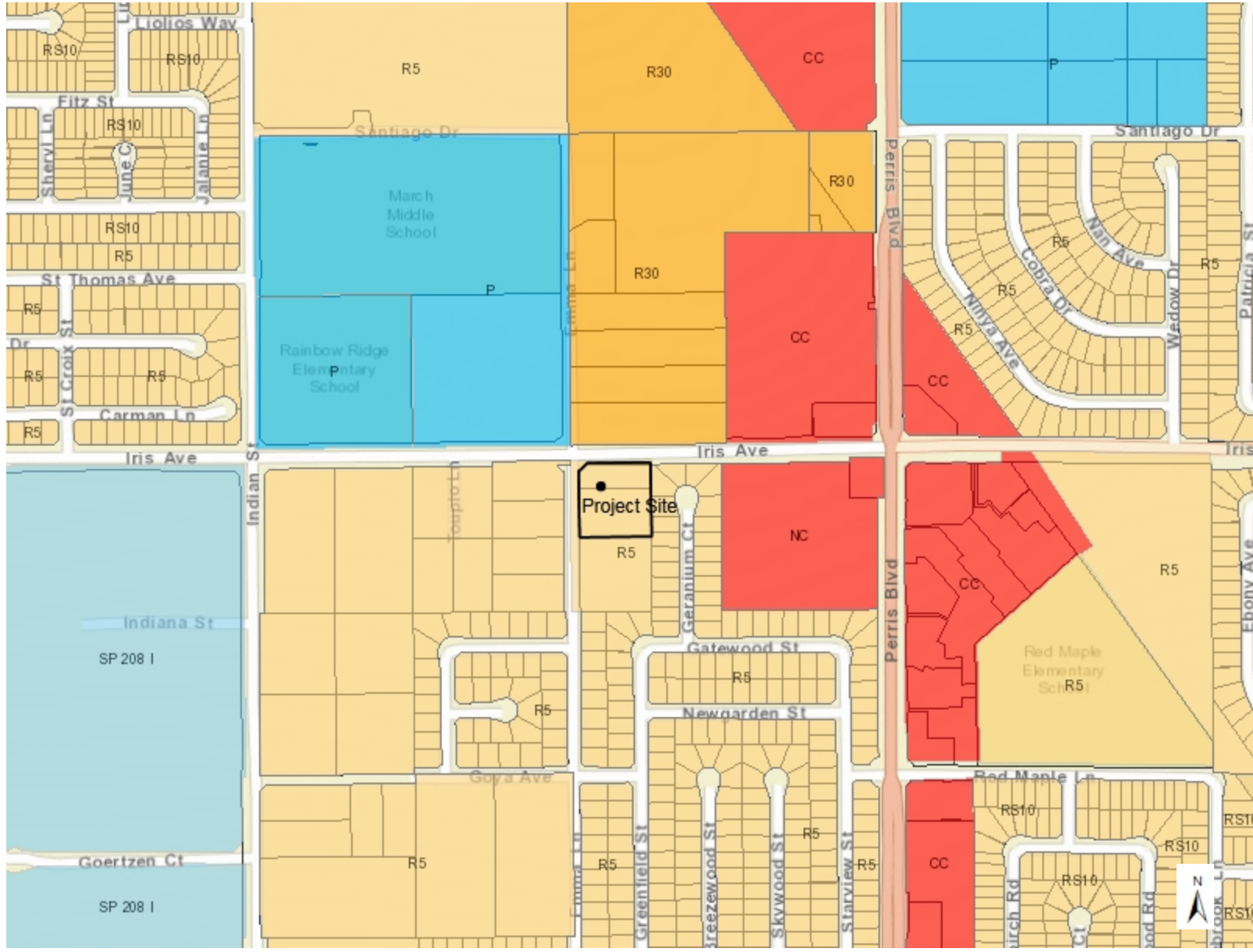
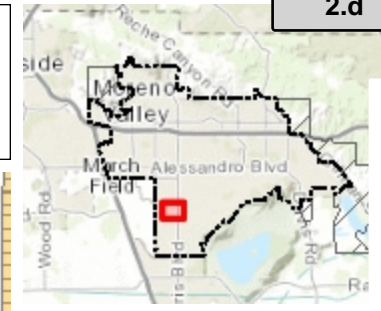
PROPOSED

LOOKING SOUTHWEST FROM IRIS AVENUE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PR

Attachment: Photographic Simulations (1578 : Conditional Use Permit (PA15-0008) for a new wireless communications facility with a 55 foot

Zoning PA15-0008



Legend

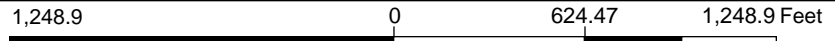
Zoning

- Commercial
- Industrial/Business Park
- Public Facilities
- Office
- Planned Development
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

Parcels

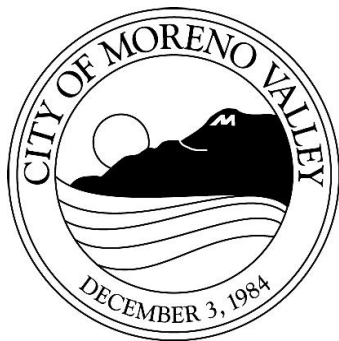
Notes

The proposal is for a new wireless telecommunications facility with a 55 foot monopalm located at 24771 Iris Avenue (APN(s): 316-030-020 & -021) which is the site of Strong Tower Church of God



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 (1578 : Conditional Use Permit (PA15-0008) for a new wireless communications



Notice of PUBLIC HEARING

This may affect your property. Please read. Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

Project: PA15-0008 (CUP)
Applicant: Verizon Wireless
Owner: Strong Tower Church of God
Representative: Core Development Services
 (Henry Castro)
A.P. No(s): 316-030-020 & -021
Location: 24771 Iris Avenue
Proposal: A Conditional Use Permit (CUP) for a new wireless communications facility with a 55 foot monopalm tree.
Council District: 4
Case Planner: Claudia Manrique

The project will not have a significant effect on the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures.

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.



LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
 14177 Frederick Street
 Moreno Valley, Calif. 92553

DATE AND TIME: July 23, 2015 at 7 PM

CONTACT PLANNER: Claudia Manrique
PHONE: (951) 413-3225

Attachment: Public Notice (1578 : Conditional Use Permit (PA15-0008) for a new wireless communications facility with a 55 foot monopalm tree)

PLANNING COMMISSION RESOLUTION NO. 2015-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA15-0008, A CONDITIONAL USE FOR A NEW VERISON WIRELESS TELECOMMUNICATION FACILTY AT 24771 IRIS AVENUE (APNS: 316-030-020 & -021)

WHEREAS, Verizon has filed an application for the approval of PA15-0008, Conditional Use Permit for a new wireless telecommunications facility designed as a 55 foot monopalm and located as described in the title of this Resolution; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, upon completion of a thorough development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission on July 23, 2015; and

WHEREAS, on July 23, 2015, the Planning Commission of the City of Moreno Valley conducted a public hearing to consider the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on July 23, 2015, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby finds as follows:
 - 1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The proposed telecommunications facility, as conditioned, incorporates enhanced design elements and stealth features

consistent with General Plan Policy 7.7.6. The proposed telecommunications facility is screened from view from the public right-of-way through siting the monopalm and required equipment near existing structures, as required by Section 9.09.040 (Communication facilities, antennas and satellite dishes) of the Municipal Code. Additional landscaping (two palm trees) helps blend the new structure with the existing trees on the site. The proposed use does not conflict with any of the goals, objectives, policies, and programs of the General Plan.

2. **Conformance with Zoning Regulations** – The proposed use complies with all applicable zoning and other regulations.

FACT: Wireless telecommunications facilities are a conditionally permitted use within the City. As designed and conditioned, the proposed use will comply with all the applicable Municipal Code provisions, including regulations governing the establishment and operation of commercial communication facilities under Section 9.09.040 (Communication facilities, antennas and satellite dishes) of the Municipal Code.

3. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The telecommunications improvements as proposed are a common feature in urbanized areas. No health, safety, or welfare problems unique to this location have been identified. The use will improve and continue to provide a choice in wireless communication reliability in the use's coverage area. In the event of an emergency or natural disaster, the use will be able to continue to function, which can help to enhance the general health, safety, and welfare of the citizens of Moreno Valley.

4. **Location, Design and Operation** – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: The telecommunications improvements as proposed are a common feature in urbanized areas. Staff worked very closely with the applicant to ensure that the design and the appearance of the monopalm tower, equipment cabinets, and miscellaneous site improvements would be compatible with the existing church structures.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA15-0008, incorporated herein by reference, include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Government Code Section 66020(a) and failure to follow this procedure in a timely fashion will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it

revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2015-20 and thereby:

1. **CERTIFY** that this item is exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 3 Categorical Exemption, CEQA Guidelines, Section 15303 for New Construction or Conversion of Small Structures; and
2. **APPROVE** Conditional Use Permit PA15-0008 based on the findings contained in the resolution and subject to the conditions of approval included as Exhibit A of the resolution.

APPROVED on this 23rd day of July, 2015.

Brian R. Lowell
Chair, Planning Commission

ATTEST:

Richard J. Sandzimier, Planning Official

APPROVED AS TO FORM:

City Attorney

Attached: Conditions of Approval

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA15-0008
CONDITIONAL USE PERMIT FOR COMMUNICATIONS FACILITY
AT 24771 IRIS AVENUE**

APPROVAL DATE: July 23, 2015
EXPIRATION DATE: July 23, 2018

This set of conditions shall include conditions from:

- Planning (P), including Building and Safety (B)**
 Fire Division (F)

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

- P1. Conditional Use Permit (PA15-0008) is an approval for a 55 foot tall monopalm (Verizon Wireless) located at 24771 Iris Avenue (APN(s): 316-030-020 & -021), beside the existing Strong Tower Church of God.
- P2. The antennas and all ancillary equipment and hardware attached to the top portion of the monopalm shall be painted green to match the tree and concealed with a minimum of eighty (80) fronds extending a minimum of two feet (2') beyond the antennas at all points. In addition, the tower will contain a faux palm frond skirt which will completely hide the attached parabolic antenna from view.
- P3. The pole shall be designed to resemble a natural palm tree trunk including raised bark with a high relief pattern.
- P4. The existing shed structure and broken fencing near the proposed project site will be removed prior to issuance of a building permit.
- P5. Any existing landscaping near the lease area that is damaged or removed as a result of any proposed work shall be replaced.
- P6. A total of two (2) palm trees shall be planted near the equipment enclosure. The initial height of the newly planted trees shall be a minimum of 20'. The palm trees shall be maintained in a healthy and thriving condition, free from weeds, trash and debris by the developer or the developer's successor-in-interest.

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Requirements

Attachment: PA15-0008 Final COAs (1578 : Conditional Use Permit (PA15-0008) for a new wireless communications facility with a 55 foot mon)

CONDITIONS OF APPROVAL FOR PA15-0008
 CONDITIONAL USE PERMIT
 PAGE 2

Res - Resolution

UFC - Uniform Fire Code
 SBM - Subdivision Map Act

UBC - Uniform Building Code

- P7. Any existing fencing, concrete work, or site amenities damaged or removed near the lease area as a result of any proposed work, shall be repaired, replaced or relocated to original condition.
- P8. The proposed ground equipment shall be placed behind a decorative block wall enclosure. The material and color shall match the existing fencing onsite and must not exceed eight (8) feet in overall height.
- P9. All utility and coaxial connections to the equipment building/screened area shall be undergrounded. All connections to the monopole shall be underground, installed within the equipment building or located within the lease area below the height of the eight foot (8') decorative split face block wall.
- P10. There shall be no signage or graphics affixed to the equipment, equipment building, or fence, except for public safety warnings and FCC required signage.
- P11. The antenna array shall not extend beyond the lease area and any other equipment associated with the telecommunications facility shall be placed within the enclosure.
- P12. All proposed ancillary equipment shall be placed within the confines of the equipment area. No barbed or razor wire fencing shall be used for the facility.
- P13. At such time as the facility ceases to operate, the facility shall be removed. The removal shall occur within 90-days of the cessation of the use. The Conditional Use Permit may be revoked in accordance with provisions of the Municipal Code. (MC 9.02.260)
- P14. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
- P15. This approval shall expire three (3) years after the approval date of Conditional Use Permit PA15-0008 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)
- P16. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris by the developer or the developer's successor-in-interest. (MC 9.02.030)

CONDITIONS OF APPROVAL FOR PA15-0008
CONDITIONAL USE PERMIT
PAGE 3

- P17. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, the Landscape Requirements, the 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 City Planning Official or designee. (MC 9.14.020, Ldscp)
- P18. (CO) Prior to issuance of a building final, the applicant shall contact the Planning Division for a final inspection.

Building and Safety Division

- B1. New buildings/structures shall comply with the current California Building Standards Code (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. Plans shall be submitted to the Building and Safety Division as a separate submittal and shall include a soils report at time of first submittal. Beginning on January 1, 2014, the 2013 CBC will become effective for all new building permit applications.
- B2. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- B3. The proposed new development is subject to the payment of development fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.

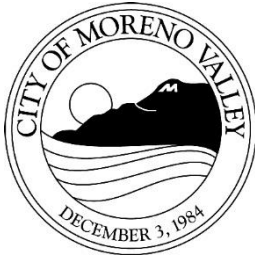
CONDITIONS OF APPROVAL FOR PA15-0008
 CONDITIONAL USE PERMIT
 PAGE 4

FIRE PREVENTION BUREAU

With respect to the conditions of approval for **PA15-0008**, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinance's and/or recognized fire protection standards.

Standard Conditions:

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy and use as specified in the California Building Code (CBC), California Fire Code (CFC), Moreno Valley Municipal Code and related codes which are in force at the time of building plan submittal.
- F2. Prior to construction and issuance of Building Permits, the developer shall submit evidence to the City confirming that all required fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twelve (12) feet as approved by the Fire Prevention Bureau 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])
- F3. Prior to construction, the developer shall submit evidence to the City confirming that any proposed "private" driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.060, CFC 501.4)
- F4. Prior to issuance of a building permit the applicant shall provide written verification that the communication system and related equipment they will be installing will not interfere with Fire or Police Communication System.
- F5. Any time after installation, any interruption of Fire, Police or other public emergency Communication System due to the purveyor's system, the purveyor shall cease to operate site until corrections can be made to purveyor's system.
- F6. Prior to the issuance of a Certificate of Occupancy or building final, the developer/applicant shall be responsible for obtaining permits for the storage of combustible liquids, flammable liquids or any other hazardous materials from both the County Health department and Fire Prevention Bureau. (CFC 105)
- F7. 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 Chief. Knox box may be installed on the exterior gate to the equipment shelter. (CFC 506.1)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: July 23, 2015

TENTATIVE TRACT MAP 36882 TO SUBDIVIDE 9.4 GROSS ACRES INTO 40 SINGLE-FAMILY RESIDENTIAL LOTS

Case: PA15-0010 (Tentative Tract Map No. 36882)

Applicant: FHII, LLC

Owner: Wheeler Lane Investors

Representative: Darren Asay, Frontier Communities

Location: South side of Brodiaea Avenue, approximately 600 feet west of Moreno Beach Drive

Case Planner: Chris Ormsby, AICP

Council District: 3

SUMMARY

The project is a tentative tract map for the purpose of subdividing approximately 9.4 gross acres into 40 single-family residential lots. The current zoning and General Plan designation for the site is Residential 5 (R5), which permits the use and density requested. Staff is recommending that the Planning Commission approve the Tentative Tract Map.

PROJECT DESCRIPTION

Project

The project is a tentative tract map to subdivide 9.4 gross acres into 40 single-family residential lots. The proposed project as designed is consistent with both the General

Plan and existing zoning of R5, allowing up to five dwelling units per acre. As designed, the density for the project is 4.26 dwelling units per acre.

Site

The site is currently vacant and has been disked in the past for weed abatement purposes. There are no unique features on the site. The topography of the site generally slopes in a southwesterly direction from Brodiaea Avenue towards Tradewinds Place.

Surrounding Area

The site is surrounded by existing development on three sides. The site is surrounded to the immediate west and south by existing residential homes (Tentative Tract 31129), which were constructed within the last 10 years. This adjacent tract is also zoned and designed consistent with the R5 standards.

The site to the immediate east is improved with a 155-bed assisted living project, Renaissance Village, on 7.3 acres, which was opened within the last year. The Renaissance Village property is zoned R15. The Moreno Marketplace shopping center is located southeasterly of the site on property zoned for community commercial land use. The center includes a variety of convenience retail stores including eateries, bank, hair salon, and Stater Bros as the anchor grocery store tenant.

The vacant property north of the project site across Brodiaea Avenue is zoned R5. A gasoline station with a convenience store is located at the southwest corner of Alessandro Boulevard and Moreno Beach Drive.

Design

The proposed subdivision includes 40 single-family residential lots ranging in size from 7,200 square feet to 13,417 square feet. The average square footage for the residential lots is 8,026 square feet. The southwesterly corner of the proposed subdivision includes a bio-retention basin (Lot A) that is 0.25 acres. The bio-retention basin is proposed at this location based on the hydrology of the site and compliance with regional water quality permits. The Public Works Department-Land Development Division and Planning Division coordinated closely to ensure the design of the basin will accommodate water quality requirements and achieve an attractive design.

The tentative tract map has been designed consistent with the existing circulation pattern of the surrounding developed residential tract. The proposed project will be required to complete street improvements on the easterly side of Tradewinds Place, and to further extend improvements on Sand Dollar Way. Lots 1 through 9 have been designed to front on Brodiaea Avenue and are consistent with other existing residences to the west of the project along Brodiaea.

REVIEW PROCESS

The project was initially reviewed as a pre-application review. Subsequently, the tentative tract map was submitted on March 9, 2015. The project was reviewed at the April 14, 2015 Project Review Staff Committee. There are no major issues with the tentative tract design. Through the plan review process revisions have been made to the bio-retention basin to address engineering issues and consistency with regional permit requirements. It is noted, due to the hydrology characteristics of the site and the surrounding area, there is no viable alternative location for the basin.

A burrowing owl assessment was completed by PCR Consultants and concluded that the site is not occupied by burrowing owls. The results of the assessment are discussed in more detail in the Initial Study.

ENVIRONMENTAL

Planning staff prepared an Initial Study consistent with the California Environmental Quality Act (CEQA) Guidelines. Although there will be no significant impacts of the project, considering the proximity of the project to the Assisted Living Facility and surrounding residential homes, staff has included mitigation measures for air quality and noise to ensure compliance with regional policies and regulations and the City’s Municipal Code. A mitigated negative declaration and mitigation monitoring and reporting program are recommended to be adopted by the Planning Commission for the project.

NOTIFICATION

The public hearing and environmental determination notice was published in the local newspaper on July 2, 2015, more than 20 days in advance of the Planning Commission meeting. Public notices for the public hearing were also sent to all property owners of record within 300’ of the project and posted at the project site and designated City locations on July 13, 2015.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

<u>Agency</u>	<u>Response Date</u>	<u>Comments</u>
Eastern Municipal Water District	April 1, 2015	Would require water and sewer services from EMWD.

Riverside County April 8, 2015
Flood Control

Not impacted by District Master
Drainage Plan facilities; Moreno
Area Drainage Plan fees would
apply.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2015-19, and thereby:

1. **ADOPT** a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for PA15-0010 (Tentative Tract Map 36882), as included in Exhibits A and B; and
2. **APPROVE** PA15-0010 (Tentative Tract Map 36882), subject to the attached Conditions of Approval included as Exhibit C.

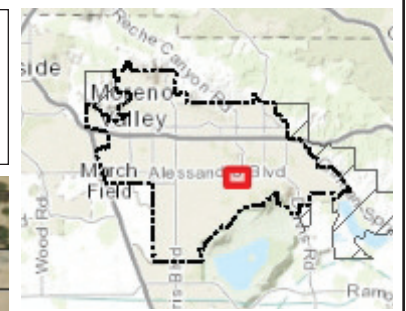
Prepared by:
Chris Ormsby
Senior Planner

Approved by:
Richard J. Sandzimier
Planning Official

ATTACHMENTS

1. Aerial View
2. Zoning Map
3. TTM 36882 (8.5x11)
4. Public Notice
5. Resolution 2015-19
6. Exhibit A - Initial Study
7. Exhibit B - MMRP
8. Exhibit C - Conditions of Approval

Aerial View



Legend

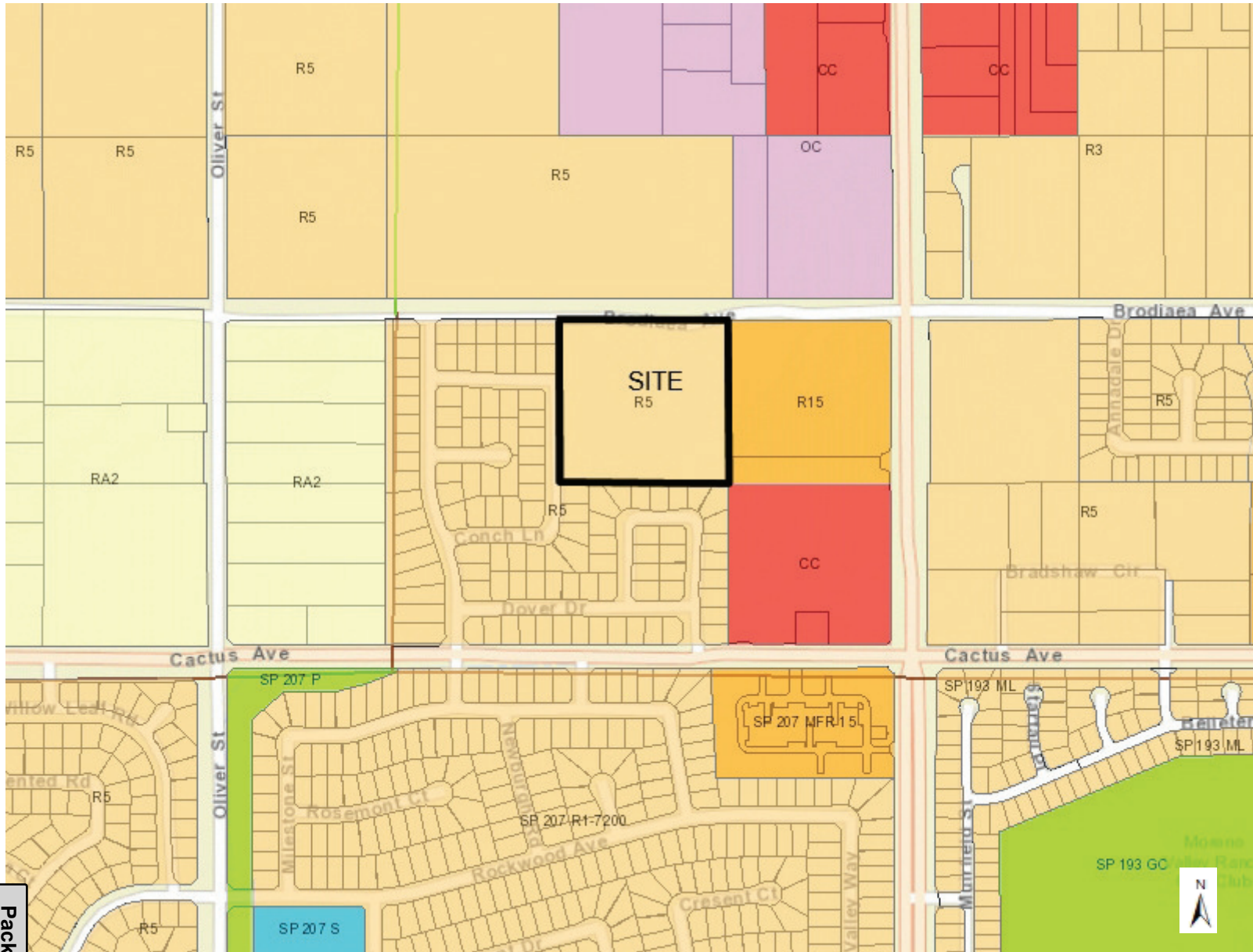
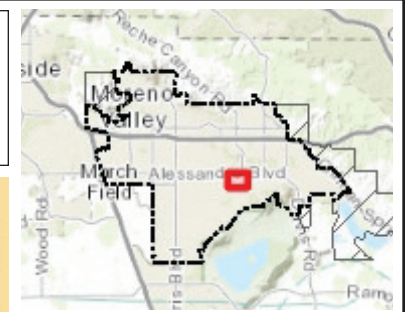
- Public Facilities
 - Public Facilities
 - ★ Fire Stations
- Parcels
- ⬜ City Boundary
- ▨ Sphere of Influence

Notes

217.0 0 608.49 1,217.0 Feet

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

Zoning - PA15-0010



Legend

Zoning

- Commercial
- Industrial/Business Park
- Public Facilities
- Office
- Planned Development
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

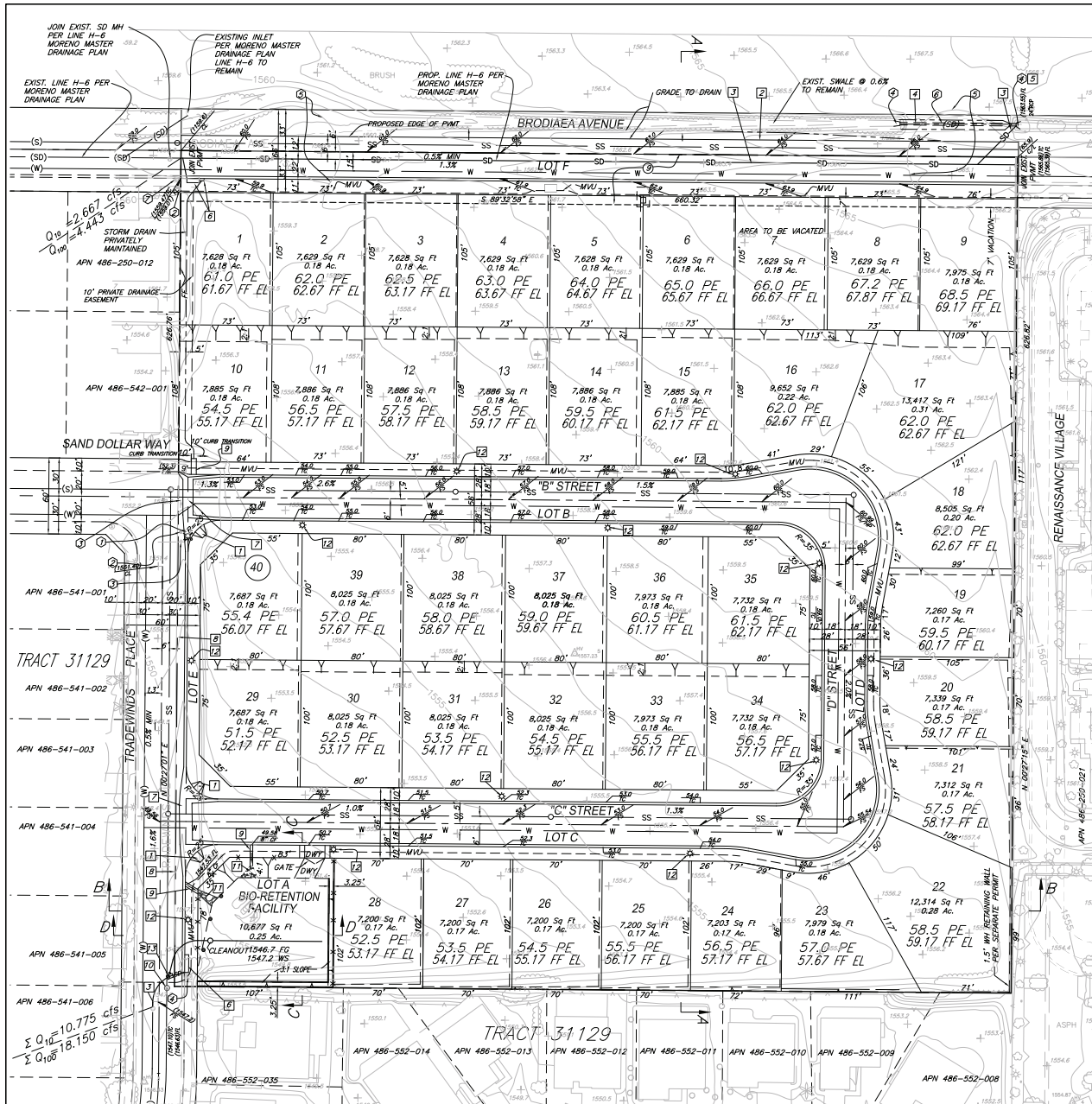
Master Plan of Trails

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

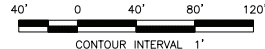
- Parcels
- City Boundary
- Sphere of Influence

Notes

Notes area containing additional information or comments related to the zoning map.



SEE SECTIONS ON SHT 2



TITLE REPORT EASEMENT ITEMS:

- PRELIMINARY TITLE REPORT NO. 140-158973-32 DATED AUGUST 15, 2014 PREPARED BY ORANGE COAST TITLE COMPANY.
- RIGHTS OF THE PUBLIC IN AND TO ANY PORTION OF THE SUBJECT PROPERTY LYING WITHIN ANY LAWFULLY ESTABLISHED STREETS, ROADS OR HIGHWAYS.
 - A RIGHT OF WAY OVER, UNDER, THROUGH AND UPON SUBJECT PROPERTY AND EVERY PART THEREOF FOR ALL NECESSARY PIPE LINES AND FLUMES; ALSO THE RIGHT TO ENTER UPON SAID LAND AT ANY AND ALL TIMES TO LAY, CONSTRUCT AND REPAIR SAID PIPE LINES, DITCHES AND FLUMES, TOGETHER THE RIGHT TO CONDUCT WATER IN AND THROUGH THE SAME, AS RESERVED TO THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY.
 - AN EASEMENT FOR PUBLIC ROAD AND INCIDENTAL PURPOSE OF THE COUNTY OF RIVERSIDE PER DOCUMENT RECORDED ON 3/31/1950 AS INST. NO 30-4310, OF O.R.
 - AN EASEMENT FOR UTILITIES, INGRESS AND EGRESS AND INCIDENTAL PURPOSES OF THE EASTERN MUNICIPAL WATER DISTRICT PER DOCUMENT RECORDED ON 03/04/1955 IN BOOK 1702, PAGE 559, OF G.R. DOESNT HIT SUBJECT PROPERTY.

REMOVAL NOTES:

- EXISTING FIRE HYDRANT TO BE RELOCATED
- UTILITY VAULT TO BE ADJUSTED TO
- EXISTING SIGN TO BE RELOCATED
- EXISTING STORM DRAIN INLET/OUTLET TO BE REMOVED
- OFF-SITE TEMPORARY CUL-DE-SAC TO BE REMOVED
- 24" RCP TO BE REMOVED
- EXISTING LIGHT TO BE PROTECTED IN PLACE

CONSTRUCTION NOTES:

- CONSTRUCT PEDESTRIAN RAMP PER CITY STD. M51-114A-0
- CONSTRUCT PAVEMENT EDGE TAPER PER CITY STD. M51-135-0-0
- CONSTRUCT STORM DRAIN
- CONSTRUCT SWALE @ 1.0% MIN
- CONSTRUCT INLET STRUCTURE
- CONSTRUCT CATCH BASIN PER MWFE-300A-0
- JOIN EXISTING PAVEMENT PER MWSI-131-0
- CONSTRUCT PARKWAY CULVERT PER MWSI-150A-0
- CONSTRUCT MANHOLE PER MWFE-320A-0
- CONSTRUCT RIP-RAP
- CONSTRUCT STREET LIGHT PER MVL-400A-0
- CONSTRUCT STORM DRAIN MANHOLE STRUCTURE PER MWFE-320A-0

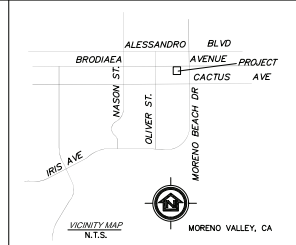
LEGEND

(S)	EXISTING SEWER
(W)	PROPOSED SEWER
(V)	EXISTING WATER
(W)	PROPOSED WATER
(SD)	PROPOSED STORM DRAIN
(F)	PROPOSED FIRST FLUSH
(SD)	EXISTING STORM DRAIN
(P)	PERIMETER FENCE
(R/W)	PROPOSED R/W
(PL)	TRACT BOUNDARY/PL EASEMENT
(R)	PROPOSED RETAINING WALL PER SEPARATE PERMIT
(FF)	FINISH FLOOR ELEVATION
(PE)	PAD ELEVATION
(D)	DIRECTION OF FLOW
(R)	EXISTING RIGHT-OF-WAY
(WU)	MORENO VALLEY ELECTRIC UTILITY

LOT LIST

- | | |
|--------------|--------------------------------|
| LOTS 1 TO 40 | SINGLE FAMILY RESIDENTIAL LOTS |
| LOT A | BIO-RETENTION FACILITY |
| LOT B | "B" STREET |
| LOT C | "C" STREET |
| LOT D | "D" STREET |
| LOT E | TRADEWINDS PLACE |
| LOT F | BRODIAEA AVENUE |

SCALE 1"=40'



APPLICANT

FRONTIER COMMUNITIES
8300 UTEA AVE, SUITE 300
RANCHO CUCAMONGA, CA 91730
PH (909)354-8019

ASSESSOR'S PARCEL NO.
486-250-007

LEGAL DESCRIPTION

LOT 7, BLOCK 132 OF MAP NO 1 BEAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11 PAGE 10, OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF BRODIAEA AVENUE WITHIN SAID BLOCK, LYING BETWEEN THE NORTHERLY PROLONGATION OF THE EAST LINES OF SAID LOT.

AREA AND DENSITY

DISTURBED ACREAGE 9.5 ACRES
GROSS ACREAGE 9.4 ACRES
TOTAL NO. OF UNITS CREATED 40
DENSITY BASED ON GROSS AREA: 4.26 U/LAC

FLOOD HAZARD

THE PROJECT SITE IS WITHIN 0.2 % ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD, PER FLOOD INSURANCE RATE MAP NO. 060650070C.

PUBLIC UTILITIES

WATER EMDW
SEWER EMDW
ELECTRICITY MORENO VALLEY ELECTRIC
TELEPHONE VERIZON
CABLE ADELPHI

SCHOOL

MORENO VALLEY UNIFIED SCHOOL DISTRICT

THOMAS BROTHERS GUIDE

PAGE 718 D-6, 2008 EDITION

LAND USE AND ZONING

CURRENT ZONING R5
CURRENT GENERAL RS
PROPOSED ZONING RS
EXISTING USE VACANT
PROPOSED LAND USE SINGLE FAMILY RESIDENTS

GRADING QUANTITIES

CUT = 15,000 CY
FILL = 15,000 CY
BALANCED ON SITE

NOTES:

- PROPOSED BIO-RETENTION BASIN WILL BE PRIVATELY MAINTAINED BY HOA
- FIRST FLUSH STORM DRAIN LINES WILL BE PRIVATELY MAINTAINED BY HOA
- ALL PROPOSED CORNER CUT BACK DESIGNATIONS PER CITY STANDARD MWSI-165-0 AT ALL INTERSECTIONS

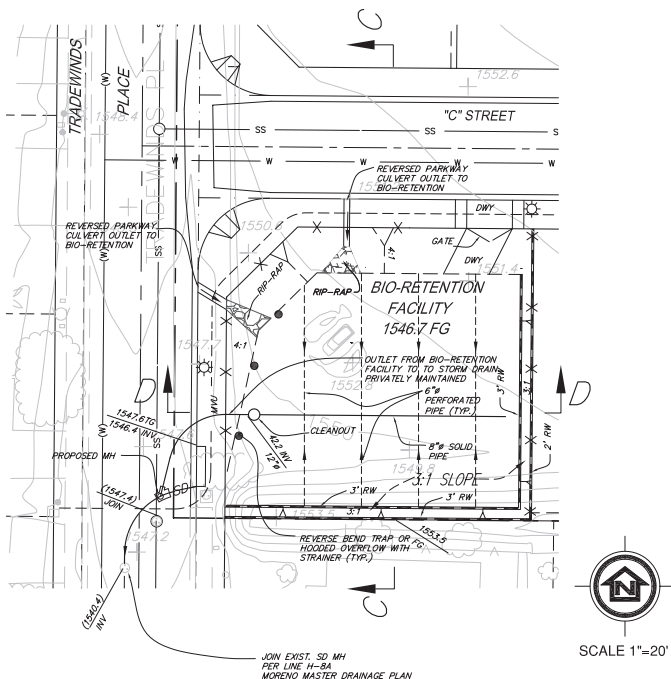
AERIAL TOPOGRAPHY

AERIAL TOPOGRAPHY PROVIDED BY DON READ CORPORATION AT 1/7/2015

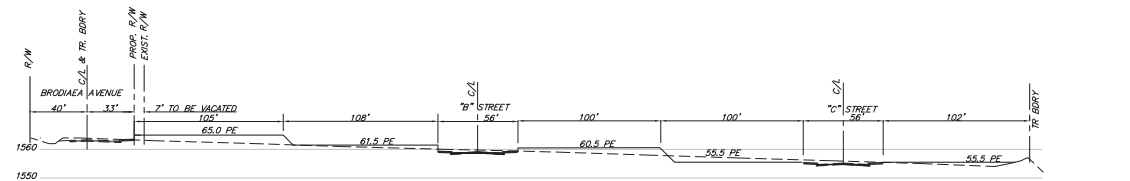
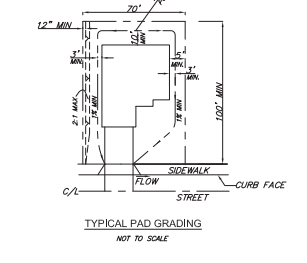
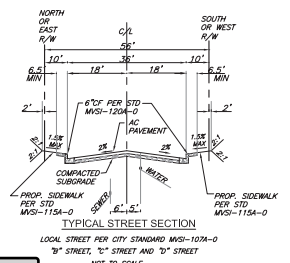
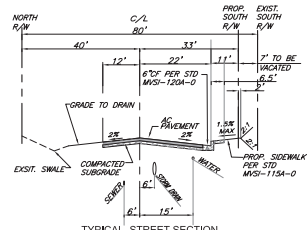
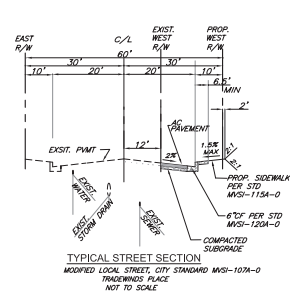
B & E ENGINEERS 20 E 100TH BLVD, STE 230
MIRAGE, CA 91028-2375
TEL: 951-244-4444 FAX: 951-244-4266

TENTATIVE TRACT MAP NO. 36882
LOCATED IN THE CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

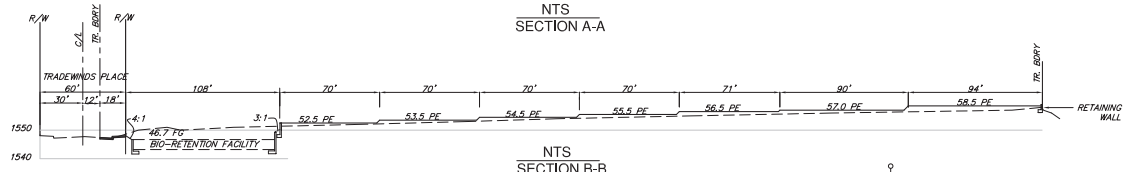
06-29-2015	TRMF F. AND RCE 41729
SCALE: 1"=40'	DATE: JUN 24 2015
	SHT. 1 OF 2 SHTS.



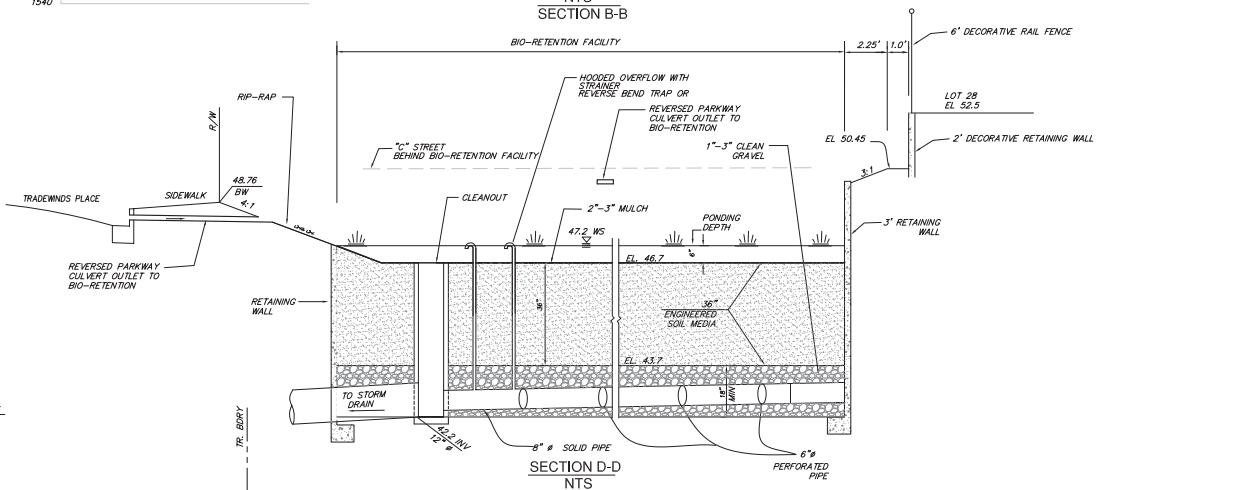
SCALE 1"=20'



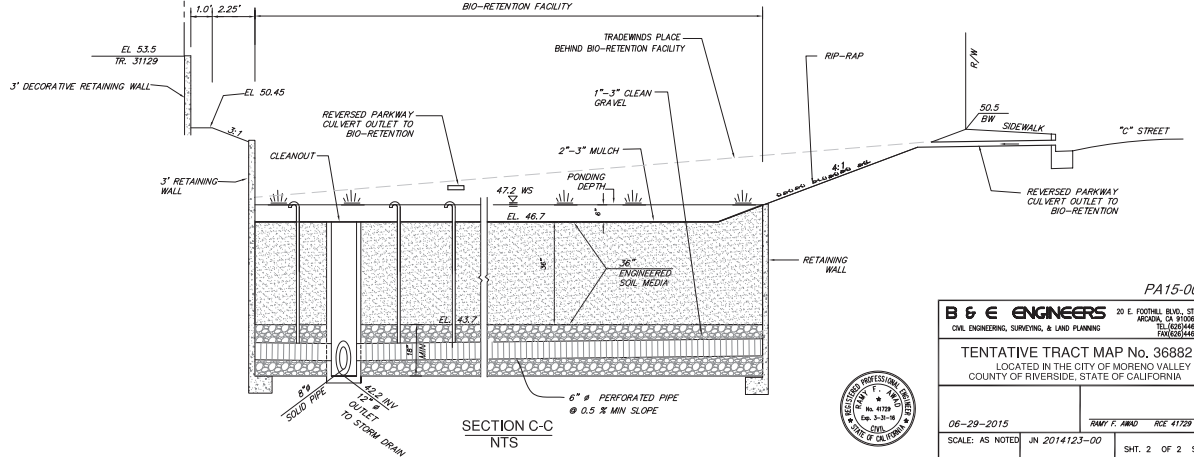
NTS SECTION A-A



NTS SECTION B-B



SECTION D-D NTS



SECTION C-C NTS

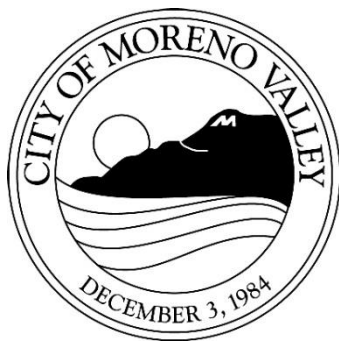
PA15-0010

B & E ENGINEERS 20 E. FOOTBALL BLVD., STE. 230
 CHULA VISTA, CA 92010-5370
 TEL: (619) 444-4444 FAX: (619) 444-4444

TENTATIVE TRACT MAP No. 36882
 LOCATED IN THE CITY OF MORENO VALLEY
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

06-29-2015 RWF: F. ARND REC: 41729
 SCALE: AS NOTED JN 2014123-00 SH. 2 OF 2 SHS.





Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

CASE: PA15-0010 (Tentative Tract Map No. 36882)

APPLICANT: FHII, LLC (Frontier Communities)

OWNER: Wheeler Lane Investors

REPRESENTATIVE: Darren Asay, Frontier Communities

LOCATION: South side of Brodiaea Avenue approximately 600 feet west of Moreno Beach Drive.

PROPOSAL: The proposal is a Tentative Tract Map (TT36882) for the subdivision of approximately 9.4 gross acres into 40 single-family residential lots. The map also includes an approximately 0.25 acre bio-retention basin.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

COUNCIL DISTRICT: 3

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday; Friday, 7:30 a.m. to 4:30 p.m.), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.



LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: July 23, 2015 at 7 PM

CONTACT PLANNER: Chris Ormsby

PHONE: (951) 413-3229

Attachment: Public Notice (1495 : TENTATIVE TRACT MAP 36882 TO SUBDIVIDE 9.4 ACRES INTO 40 SINGLE-FAMILY RESIDENTIAL LOTS)

PLANNING COMMISSION RESOLUTION NO. 2015-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA15-0010, TENTATIVE TRACT MAP 36882, TO SUBDIVIDE 9.4 GROSS ACRES INTO 40 SINGLE-FAMILY RESIDENTIAL LOTS WITHIN THE RESIDENTIAL 5 (R5) ZONING DISTRICT AND LOCATED ON THE SOUTH SIDE OF BRODIAEA AVENUE APPROXIMATELY 600 FEET WEST OF MORENO BEACH DRIVE (ASSESSORS PARCEL NUMBER 486-250-007)

WHEREAS, Frontier Communities has filed an application for the approval of a Tentative Tract Map (PA15-0010) for a forty (40) lot subdivision as described in the title of this Resolution; and

WHEREAS, the application has been evaluated in accordance with established City of Moreno Valley procedures, and with consideration of the General Plan and other applicable regulations; and

WHEREAS, upon completion of a thorough development review process the project was appropriately agendized and noticed for a public hearing before the Planning Commission on July 23, 2015; and

WHEREAS, an Initial Study has been prepared to address the environmental impacts associated with the project and a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program have been deemed appropriate for the project pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, on July 23, 2015, the Planning Commission of the City of Moreno Valley conducted a public hearing to consider the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this Planning Commission during the meeting on July 23, 2015 including written and oral staff reports and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
 - 1. The proposed land division is consistent with the City's General Plan.

FACT: Tentative Tract Map 36882 will subdivide a 9.4 acre parcel into 40 single-family residential lots within the Residential 5 (R5) zoning district. Objective 2.2 of the General Plan states that it is a goal of the City to provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups. Furthermore, Policy 2.2.7 of the General Plan states that the primary purpose of areas designated Residential 5 (R5) is to provide for single-family detached housing on standard sized suburban lots. The maximum allowable density of the Residential 5 (R5) is 5.0 dwelling units per net acre. The proposed project has been designed consistent with the R5 standards. The proposed project's density is approximately 4.3 dwelling units per acre.

FACT: Tentative Tract Map 36882 will result in the subdivision of 40 single-family residential lots. This project is surrounded by existing development on three sides, and will complete a missing segment of Brodiaea Avenue. The scope and scale of the project is comparable to the developed residential lots to the south and west.

- 3. The design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

FACT: Planning staff reviewed the request in accordance with the current California Environmental Quality Act (CEQA) Guidelines. An Initial Study was prepared for the project. As designed and conditioned, the determination is that the project will not result in a potentially significant impact on the environment. Several mitigation measures have been incorporated into the project regarding air

quality and noise to address compliance with regional policies and regulations and the City's Municipal Code.

4. The design of the proposed land division or the type of improvements is unlikely to cause serious public health problems.

FACT: As designed and conditioned, the proposed land division will not cause serious public health problems. The project consists of a subdivision for single-family homes similar to the residential development pattern to the south and west. There are no known hazardous conditions associated with the property.

5. The design of the land division 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.

FACT: There are no conflicts with easements on the subject site. The City Engineer has appropriately placed conditions of approval for Tentative Tract Map No. 36882 regarding various project improvements.

6. That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by California Government Code Section 66473.1.

7. That the effect of the proposed land division 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.

FACT: The proposed land division is consistent with the General Plan, and therefore the development of the site has been considered with regard to regional housing needs and the public services needs of the residents. The development of residences within the subdivision will require the payment of development impact fees based on the impact fees in effect at the time of construction which will offset impacts on public service needs.

State Housing Law requires that each jurisdiction establish the number of housing units that will be constructed, rehabilitated, and preserved over a planning period. The Quantified Objectives for

Moreno Valley's current Housing Element reflect the planning period from January 1, 2014 to October 31, 2021. If the 40 lots are built during this time period, they will count towards the new construction requirement of 1,112 units for moderate income housing.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Rat Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan Fee, Bridge and Thoroughfare Mitigation Fee (Future) and Traffic Signal Mitigation Fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA15-0010 incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and

failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2015-19, and thereby:

1. **ADOPT** a Mitigated Negative Declaration based on the Initial Study included as Exhibit A, and a Mitigation Monitoring and Reporting Program included as Exhibit B, based on the determination that the project will not have a significant impact on the environment with the incorporation of mitigation measures to address compliance with regional policies and regulations and the City's Municipal Code.
2. **APPROVE** PA15-0010 (Tentative Tract Map 36882) for the subdivision of 40 residential lots on 9.4 acres, subject to the attached Conditions of Approval included as Exhibit C.

APPROVED this 23rd day of July, 2015.

 Brian R. Lowell
 Chair, Planning Commission

ATTEST:

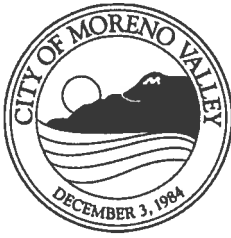
 Richard J. Sandzimier, Planning Official

APPROVED AS TO FORM:

City Attorney

Attachments

Attachment: Resolution 2015-19 [Revision 1] (1495 : TENTATIVE TRACT MAP 36882 TO SUBDIVIDE 9.4 ACRES INTO 40 SINGLE-FAMILY



**INITIAL STUDY/
ENVIRONMENTAL CHECKLIST FORM
CITY OF MORENO VALLEY**

1. Project Title: PA15-0010 (Tentative Tract Map No. 36882)
2. Lead Agency Name and Address: City of Moreno Valley, 14177 Frederick St., Moreno Valley CA 92553
3. Contact Person and Phone Number: Chris Ormsby, AICP Senior Planner (951) 413-3229
4. Project Location: The project is located on the south side of Brodiaea Avenue approximately 600 feet west of Brodiaea Avenue (APN 486-250-007)
5. Project Sponsor's Name and Address: FHII, LLC (Frontier Communities), 8300 Utica Avenue, Suite 300, Rancho Cucamonga, CA 91730
6. General Plan Designation: R5 (Residential, maximum five dwelling units per acre)
7. Zoning: R5 (Residential, maximum five dwelling units per acre)
8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)

The project is a tentative tract map to subdivide approximately 9.4 gross acres into 40 residential lots. The map also includes a 0.25 acre bio-retention facility. As designed, the project is consistent with both the General Plan and zoning designations. The residential lots are all a minimum of at least 7,200 square feet.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)

The 9.4 acre site is primarily an infill location with existing single-family development on the south and west sides. The adjacent residential development is zoned and improved in a manner consistent with the proposed project. A recently completed Assisted Living complex (Renaissance Village) is located to the immediate east. The site is zoned R15. There is an existing commercial center southeasterly of the site. The approximately 18.8 acre parcel to the immediate north is zoned R5, which is consistent with the subject site.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).

None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

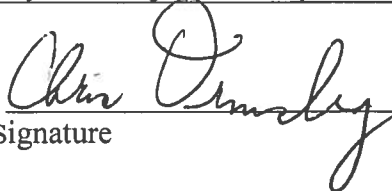
The environmental factors checked below (■) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Greenhouse Gas Emissions		Population/Housing
	Agricultural Resources		Hazards & Hazardous Materials		Public Services
	Air Quality		Hydrology/Water Quality		Recreation
	Biological Resources		Land Use/Planning		Transportation/Traffic
	Cultural Resources		Mineral Resources		Utilities/Service Systems
	Geology/Soils		Noise		Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	■
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	



Signature

June 30, 2015

Date

Chris Ormsby, AICP
Printed Name

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				■
The site is relatively flat with no unique topographic features. The development would not have any effect on views of a scenic vista. The Box Springs Mountains and Reche Canyon area is located to the north, the “Badlands” to the east, and the Mount Russell area to the south. Box Springs Mountains and Mount Russell foothills display numerous rock outcroppings and boulders and add visual character. The development under the R5 designation will be required to be consistent with the height standards of the zoning. The maximum building height for structures in the R5 is 35 feet. This would be consistent with building heights of existing single-family residences to the south and west. The project would be consistent with the existing General Plan. No impact would occur.				
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				■
As mentioned above, the locations of the Proposed Project are within areas limited to the flat valley floor. The project would not involve the construction of structures that would block any views since surrounding properties are already at a similar elevation. The project site locations are not located in the vicinity of a designated state scenic highway and would not damage any scenic resources, including trees, rock outcroppings, and/or historic buildings. No impact would occur.				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				■
The Proposed Project would not change the existing visual character of the area. The project site is surrounded by residential development on two three sides. The land to the north is zoned for residential land use similar to the Proposed Project. The area is generally urban in character, and is planned for full street improvements with sidewalks. No impact would occur.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			■	
The Proposed Project will include the addition of new street lights, which would provide a new source of light and glare. The street lights, however, will be constructed in accordance with City of Moreno Valley Municipal Code and all new lighting will be consistent with the existing street lighting. The Proposed Project would result in less than significant impacts related to light and glare.				
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?				■
The project is located adjacent to existing single-family residential development to the south and the west. The locations of the Proposed Project will not result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (California Department of Conservation, 2012). No impact would occur.				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				■
According to the City of Moreno Valley General Plan, there are no designated areas in the vicinity that would be intended primarily for agricultural use. There are no agricultural uses on the site nor located within an agricultural zone or bounded by a Williamson Act contract. No impact would occur.				
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				■
There is no farmland in the vicinity of the site. The proposed project would not involve other change to the existing environment, which could result in conversion of Farmland, to non-agricultural use. No impact would occur.				
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The location of the Proposed Project is within the City of Moreno Valley which is located within the South Coast Air Basin (Basin) (City of Moreno Valley, 2006). According to the City of Moreno Valley General Plan EIR, air quality within the Basin is administered by the South Coast Air Quality Management District (SCAQMD). The Basin is a 6,600-square mile area bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto mountains to the north and east. The Basin includes all of Orange County and the non-desert portions of Los Angeles, San Bernardino, and Riverside counties.

The various street improvements for the Proposed Project would include the completion of interior streets as well as additional street improvements to Brodiaea Avenue. The proposed project is consistent with the City's General Plan and zoning. The completion of the sidewalk segment on Brodiaea will allow for ease of pedestrian access to uses on Moreno Beach Drive, including the commercial center at the northeast corner of Moreno Beach Boulevard and Cactus Avenue. No conflict with the air quality plan will occur.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.			■	
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The Proposed Project involves the approval of a tentative tract map which will allow for construction of 40 single-family residential dwelling units and related street improvements, utilities, and infrastructure. Based on current demographic information for persons per household, the project would result in a maximum of 154 residents at build-out. Since the project is consistent with the General Plan, the Proposed Project could not involve growth-inducing impacts or cause an exceedance of established population or growth projections. The project would not result in significant localized air quality impacts associated with localized concentrations of criteria air pollutants. The project would be consistent with the goals of the Air Quality Management Plan.

The only potential for impact related to air quality would be short-term impacts during construction. Mitigation measures (AQ-1 and AQ-2) have been incorporated into the project to ensure compliance with regional policies and regulations. A less than significant impact during construction would occur with the incorporation of mitigation measures. There is no potential for long-term air quality impacts associated with the project.

AQ-1: Roadway grading activities shall comply with South Coast Air Quality Management District Rule 403 regarding the control of fugitive dust (Policy 6.7.5).

AQ-2: Construction contractor shall ensure that all disturbed areas are watered frequently enough to ensure effective control of fugitive dust (at least three times per day). Frequency shall be increased during high and gusty wind conditions.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			■	
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The construction of the Proposed Project will not create a cumulatively considerable net increase in criteria pollutants as the construction is temporary in nature. There are no long-term operational aspects of this project. No impact would occur.

d) Expose sensitive receptors to substantial pollutant concentrations?			■	
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The project will not expose any sensitive receptors to substantial pollutant concentrations in the long-term. The most proximate sensitive receptor is the assisted living project located immediately to the east of the Project site. Considering the limited grading required for the project, the construction of the Proposed Project would be of a short-term duration, and would have less than a significant impact on the assisted living project and nearby residential development. A less than significant impact would result.

e) Create objectionable odors affecting a substantial number of people?			■	
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Indirect impacts related to the grading and construction of the site would involve the use of limited heavy equipment creating exhaust pollutants from roadway earth movement and from equipment bringing concrete and other building materials to the site. With regard to nuisance odors, any air quality impacts will be confined to the immediate vicinity of the equipment itself. By the time such emissions reach any sensitive receptor sites away from the project site, they will be diluted to well below any level of air quality concern. Potential for impacts would be less than significant.

IV. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service?			■	
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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<p>Planning staff completed a field review of the project location on May 22, 2015 in the morning hours. The site had been previously reviewed in the field related to a pre-application review. The project does not include vegetation aside from some non-native vegetation. Based on field review of the site, there is no reason to expect that a potentially significant impact could occur. The proximity to existing development limits the potential for the site to serve as habitat for species identified as candidate, sensitive, or special status under regional plans, policies or regulations of California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.</p> <p>The results of the focused burrowing owl assessment were provided in a report dated June 30, 2015 by PCR Consultants. The study included a total of four surveys consistent with the County of Riverside's "Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area." The surveys did not identify burrowing owls, their burrows, or other signs that would indicate potential owl presence. The site would warrant a pre-construction survey that will be conducted within 30 days prior to ground disturbance as identified by the burrowing owl protocol consistent with the Western Riverside County - Multi-species Habitat Conservation Plan. A less than significant impact would occur.</p>				
<p>b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U. S. Wildlife Service?</p>				■
<p>Based on the field review on May 22, 2015, the Proposed Project will not have any impact on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by policies or regulations of the California Department of Fish and Wildlife or U. S. Wildlife Service. The burrowing owl assessment (PCR Consultants) also did not note any sensitive natural communities based on additional field reviews of the site.</p>				
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>				■
<p>Based on the field review of the Proposed Project on May 22, 2015, there are no federally protected wetlands as defined by Section 404 of the Clean Water Act at any of the project locations. Therefore, there is no potential for an impact on these resources.</p>				
<p>d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>				■
<p>The Proposed Project is located within an urban area within the City. Considering the adjacency of existing residential, commercial and other uses in conjunction with the limited size of the proposed site (9.4 acres), there is no potential for the Proposed Project to impact on the movement of any resident or migratory fish or wildlife species, an established native resident migratory wildlife corridor, or impede the use of a native wildlife nursery site. The nearest wildlife corridor to any of the locations associated with the MSHCP is several miles away northerly of the City limits. There is no native wildlife nursery in the City of Moreno Valley. No impact would occur.</p>				
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>			■	
<p>Based on the field reviews and the results of the burrowing owl assessment, there are no biological resources or trees on the site. The proposed Project will not conflict with the City's landscape guidelines as no mature trees would be required to be removed or relocated at any of the five project locations. The construction of street improvements at any of the project locations will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p>				
<p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?</p>			■	
<p>Based on staff's field review, and the burrowing owl assessment prepared by PCR consultants, the proposed project would not conflict with any of the provisions of the adopted Western Riverside County-Multi-species Habitat Conservation Plan (MSHCP). The City is a member of the Joint Powers Authority implementing the MSHCP. The Proposed Project would not conflict with any local policies or ordinances protecting biological resources. The development of residences within the tract would be subject to the MSHCP fees which are currently \$1,952 per residence. These monies are passed through to the Western Riverside County-Regional Conservation Authority for the purposes of MSHCP implementation on a regional basis.</p>				
<p>V. CULTURAL RESOURCES. Would the project:</p>				
<p>a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</p>				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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<p>Based on the City's General Plan, there are no identified historic resources in proximity to the project. All development within the immediate vicinity of the site was constructed in the last 20 years. The project would not result in a change in the significance of a historical resource.</p>				
<p>The nearest site identified as a potential historic resource is more than one-quarter mile to the west at the southwest corner of Brodiaea Avenue and Oliver Street. The house, located on Oliver Street, was constructed in 1928. There would be no impact of this project on the house either directly or indirectly. (City of Moreno Valley, Historic Resources GIS layer, data is based on year of building construction)</p>			■	
<p>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</p>				
<p>Based on the Cultural Resource Inventory prepared by University of California, Riverside (October 1987) as well as other City resources, there are no known archaeological resources on, or in close proximity to the project site. The nearest known potential resource is nearly one-half mile to the northwest in the vicinity of the southerly portion of the Pettit Hills. Staff has examined the data sources regarding archaeological resources and has determined that there are no potential archaeological resources on the site as described in Section 15064.5. The project will be conditioned to address archaeological resources consistent with the provisions of Section 15064.5 of the State CEQA Guidelines.</p>				
<p>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</p>				■
<p>The project site is not located in a paleontological resource sensitive area according to the General Plan. Conditions of approval will be placed on the tentative tract to address the potential for the discovery of resources during construction.</p>				
<p>d) Disturb any human remains, including those interred outside of formal cemeteries?</p>				■
<p>There are no known cemeteries on the site or in the vicinity. The conditions of approval will address the discovery of any human remains that might be identified during grading and/or construction. No impact will occur.</p>				
<p>VI. GEOLOGY AND SOILS. Would the project:</p>				
<p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:</p>				
<p>(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</p>			■	
<p>The Proposed Project is not located within the Alquist-Priolo Earthquake Fault Zone. There are no known active faults underlying the project site locations. The nearest known active fault is the San Jacinto segment of the San Jacinto fault zone at least three miles easterly of the project site. The project will primarily involve only the construction of single-family residences in compliance with the Uniform Building Code. A less than significant impact would occur.</p>				
<p>(ii) Strong seismic ground shaking?</p>			■	
<p>Although the Proposed Project is located several miles from an Alquist-Priolo Earthquake Fault zone, the sites would be exposed to strong seismic ground shaking in the event of an earthquake. All buildings in the region are required to resist seismic groundshaking in accordance with the Uniform Building Code (UBC). A less than significant impact would occur.</p>				
<p>(iii) Seismic-related ground failure, including liquefaction?</p>				■
<p>Based on the City's General Plan, the Proposed Project is not located in an area with potential for seismic-related ground failure, including liquefaction. The City of Moreno Valley has seen no evidence of liquefaction events occurring in the community nor has any geotechnical report recently submitted to the City identified liquefaction hazards. As described in the Geotechnical Study prepared by Geotek, Inc. (October 27, 2014), the liquefaction potential on the site is considered low due to the dense nature of the underlying materials and the depth of groundwater greater than 50 feet. All buildings in the region are required to resist seismic groundshaking in accordance with the Uniform Building Code (UBC). A less than significant impact would occur.</p>				
<p>(iv) Landslides?</p>				■
<p>The City of Moreno Valley planning area is situated along a valley floor (City of Moreno Valley, 2006). The project site topography is relatively flat. Based on the Geotechnical Evaluation, there is no evidence of ancient landslides or slope instabilities at the site. Consequently, there is no potential for landslides to occur. No impact would occur.</p>				
<p>(b) Result in substantial soil erosion or the loss of topsoil?</p>				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The Proposed Project will ultimately involve the grading of approximately 9.4 acres. The grading of the site is balanced with an estimated 15,000 of cut and fill. The project will be required to comply with the City’s Municipal Code requirements through compliance with the conditions of approval, which will ensure that the project will not result in substantial soil erosion or loss of top soil. Further, the project would have exposed soil during the construction phase; however, this would be temporary and all exposed soil would be stabilized or covered upon completion of construction. A less than significant impact would occur.

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				■
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The Proposed Project involves the subdivision and future construction of 40 residential homes on 9.4 acres. The project is not located on a geologic unit or soil that is unstable. No impact would occur.

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				■
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The Proposed Project is not located on expansive soil as defined in Table 18-1-B of the Uniform Building Code. The Geotechnical Evaluation confirmed that the onsite materials that will be encountered will have a “very lot” expansion potential. The grading for the project will have to comply with the City’s Municipal Code and the Uniform Building Code.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				■
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The project does not propose construction of septic tanks or alternative waste water disposal systems. The impact will occur.

VII. GREENHOUSE GAS EMISSIONS. Would this project?

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			■	
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Global climate change is caused by greenhouse gas (GHG) emissions throughout the world. Mitigating global climate change will require worldwide solutions. Greenhouse gases are gases emitted from the earth’s surface that absorb infrared radiation in the atmosphere. Increases in these gases lead to more absorption of radiation and warm the lower atmosphere, and therefore increase evaporation rates and temperatures on the Earth’s surface. The City of Moreno Valley has an approved Climate Action Strategy. However, at this time, there are no widely accepted thresholds of significance for determining the impact of GHG emissions from an individual project, or from a cumulative standpoint. As provided for in the CEQA Guidelines (Section 15064.4), it is necessary for the lead agency to make a good-faith effort in considering GHG emissions on a project specific basis. Based on the limited scope of the project, and its consistency with the City’s adopted General Plan and zoning, the project would result in limited GHG impacts during construction with the exception of some negligible impacts associated with construction equipment. There would be minimal GHG impacts once construction is complete. Therefore, to the extent possible based on scientific and factual data available, it has been determined that this project will not result in generating greenhouse gas emissions that will either directly or indirectly have a significant impact on the environment. A less than significant impact will occur.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				■
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The City approved a City-wide Climate Action Strategy and related Greenhouse Gas analysis in 2012. The Proposed Project will not conflict with the Climate Action Strategy. Further, the Proposed Project will not conflict with any other applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. No impact would occur.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project?

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				■
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The Proposed Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. No impact would occur.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				■
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The Proposed Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Diesel and/or other construction equipment and vehicle fuels would be used; however, the transport, storage, and usage of hazardous materials such as fuels are regulated by the State and would be in compliance with all state regulations during construction. No impact would occur.

3.f

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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				■
The nearest school is La Jolla Elementary on Oliver Street, which is more than one-quarter mile from the Proposed Project. Therefore, no impact would occur.				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?				■
The Proposed Project site is not included on a list of hazardous waste sites compiled pursuant to Government Code Section 65962.5. No impact would occur.				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			■	
The project is located more than three miles from March Air Reserve Base. Based on the Airport Land Use Compatibility Plan (2014), the site is not within a compatibility zone. Therefore, there are no specific safety and airspace protection factors that would apply to this site. The project is not within an identified area requiring an aviation easement, deed notice, or disclosure. There is no potential for a significant impact.				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				■
The project site is not within the vicinity of a private airstrip. There are no private air strips within the City limits. There is no potential for a safety hazard associated with a private airstrip.				
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				■
The Proposed Project would not impair implementation of, or physically interfere with an adopted emergency response plan. The completion of a Traffic Control Plan would ensure that access to surrounding residential properties would not be impacted during construction. There would be no long-term potential to impair implementation of an adopted emergency response plan. No impact would occur.				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				■
The Proposed Project is surrounded by existing development on three sides. It is located in an urbanized area that is not adjacent to wildlands or high fire hazard areas. Therefore, no impact will occur.				

IX. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?			■	
The Proposed Project will be consistent with all water quality standards and water discharge requirements. A Preliminary Water Quality Management Plan (P-WQMP, B&E Consultants, 3/5/15) was prepared for the project. The proposed 0.25 acre bio-retention basin has been accepted as the Treatment Control Best Management Practice for the site. The project will be conditioned to prepare a Final Water Quality Management Plan (F-WQMP) prior to grading permits. The Final Water Quality Management Plan will address all Best Management Practices that will apply. A less than significant impact would occur.				
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			■	
The project would not extract groundwater or interfere with groundwater recharge. Although the project will create some impervious surfaces with the installation of streets and residences, the landscaped areas of the site and bio-retention basin. A less than significant impact would occur.				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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<p>The project would not substantially alter the existing drainage pattern of the site or area, and would not alter the course of a stream or river. The site currently drains to the south which will continue to be the drainage pattern.</p> <p>As described in the Preliminary Hydrology Study (B&E Engineers, June 15, 2015), the storm water runoff from the Proposed Project will maintain the same existing drainage pattern and will be collected by an on-site drainage system and an off-site proposed storm drain. The northern portion of the site and area of Brodiaea Avenue south of the center line will be collected in the catch basin of the proposed 36 inch off-site storm drain on Brodiaea Avenue. The runoff of the southerly portion of the project will be conveyed by local streets and collected in the side opening catch basin which will be connected to the existing 36 inch Line H-8A of the adjoining Tract 31129. The first flush storm drain from the on-site area will be directed to the Bio-retention facility at the southwesterly corner of the site. Based on the proposed design of the storm drain system, a less than significant impact would occur.</p>				
<p>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate of surface runoff in a manner which would result in flooding on- or off site?</p>			■	
<p>The Proposed Project would not alter the existing drainage pattern of the site or area. In addition, the Project would not substantially increase the rate of surface runoff. The same drainage pattern will remain after the development. With construction of the streets and residences, there will be some increased runoff. However, the existing storm drain system has adequate capacity to carry the additional runoff generated from the project. (Preliminary Hydrology Study, June 15, 2015) A less than significant impact would occur.</p>				
<p>e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</p>			■	
<p>This project is subject to requirements 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. The Proposed Project would not create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems. A less than significant impact would occur.</p>				
<p>f) Otherwise substantially degrade water quality?</p>			■	
<p>The Proposed Project will not substantially degrade water quality. A Preliminary Water Quality Management Plan (P-WQMP) was prepared for the project. The proposed 0.25 acre bio-retention basin has been accepted as the Treatment Control Best Management Practice for the site. The project will be conditioned to prepare a Final Water Quality Management Plan (F-WQMP) prior to grading permits. The Final Water Quality Management Plan will address all Best Management Practices that will apply. As designed and conditioned, a less than significant impact would occur.</p>				
<p>g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</p>			■	
<p>The Proposed Project is not within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The site is within Zone X, which is an area of 0.2% annual chance of flood. (Federal Emergency Management Agency, Flood Insurance Rate Map, August 28, 2007, Map number 0605C0770G, website) A less than significant impact would occur.</p>				
<p>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</p>				■
<p>The Proposed Project will not place structures that would impede or redirect flood flows within a 100-year flood hazard area. No impact would occur.</p>				
<p>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</p>				■
<p>The Proposed Project will not expose people or structures to a significant risk of loss, injury or death as a result of the failure of a levee or dam. The Proposed Project is not within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The site is within Zone X, which is an area of 0.2% annual chance of flood. (Federal Emergency Management Agency, Flood Insurance Rate Map, August 28, 2007, Map number 0605C0770G, website) No impact would occur.</p>				
<p>j) Inundation by seiche, tsunami, or mudflow?</p>				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The Proposed Project is not located within an area that would be subject to inundation by seiche, tsunami or mudflow based on the City's General Plan (City of Moreno Valley, 2006). No impact would occur.				
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				■
The Proposed Project will develop a residential tract in an area that is surrounded on three sides by existing development. It will provide the completion of a segment of Brodiaea Avenue and a sidewalk connection along Brodiaea to Moreno Beach Drive. No impact would occur.				
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				■
The Proposed Project would comply with the City's General Plan, the Clean Water Act, and the Riverside County MSHCP. No impact would occur.				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				■
The Proposed Project is subject to the Multi-species Habitat Conservation Plan as well as City of Moreno Valley's Municipal Code and ordinances. Consistent with the MSHCP, a burrowing owl study was completed. No burrowing owls were identified. Payment of MSHCP mitigation fees will be required prior to building permit. The fee is currently \$1,952 per residence.				
The project is also within the Stephens Kangaroo Rat Habitat Conservation Plan (SKR HCP) area. The only requirement with regard to the SKR HCP is payment of the impact fees which are currently \$ 500 per acre. There will be no conflict with a habitat conservation plan.				
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				■
The Proposed Project would not result in the loss of availability of known mineral resources. No resource extraction would occur on the project site. No impact would occur.				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				■
There are no locally important mineral resource recovery sites identified within the General Plan, or other adopted plans. Therefore, the Proposed Project could not result in the loss of availability of a locally important mineral resource recovery site based on the General Plan, specific plan, or other land use plan. No impact would occur.				
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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<p>The General Plan Environmental Impact Report (EIR) Noise Section for the City of Moreno Valley states that “The noise generated by construction is addressed by existing city regulations. It is unlawful to create noise that annoys reasonable people of normal sensitivity. There are also restrictions on hours of activity. Grading may take place between 7 a.m. and 8 p.m. Construction may take place between 6 a.m. and 8 p.m. during the week and 7 a.m. and 8 p.m. on weekends and holidays...” Although construction activities will result in a noise impact, this impact will be short-term and will cease upon completion of construction. The temporary nature of the impact in conjunction with existing city regulations on hours of operation will lessen the potential of a significant impact due to construction noise. However, noise sensitive land use located adjacent to construction sites may be impacted by future construction in the planning area as a result of groundborne noise levels, noise levels that exceed existing standards, and temporary or periodic increases in the ambient noise level. Although not required as a mitigation measure to reduce a potentially significant impact to acceptable levels, the following mitigation measures are recommended:</p>				
<p>N-1: Construction activities shall be operated in a manner that limits noise impacts on surrounding uses (Policy 6.5.2). In order to limit noise impacts on surrounding property, the construction contractor will ensure the following:</p> <ul style="list-style-type: none"> • All construction equipment powered by gasoline or diesel engines will be required to have sound-control devices at least as effective as those originally provided by the manufacturer; no equipment will be permitted to have an unmuffled exhaust. • Mobile noise-generating equipment and machinery will be shut off when not in use; • Construction vehicles assessing the site will be required to use the shortest possible route to and from local freeways, provided the routes do not expose additional receptors to noise 				
<p>N-2 The construction staging area for the Proposed Project shall be located as far as possible from sensitive uses and the surrounding residences to minimize noise impacts during construction.</p>				
<p>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</p>			■	
<p>Perceptible groundborne vibrations are typically associated with blasting operations and potentially the use of pile drivers, neither of which will be used during construction of the Proposed Project. As such, no excessive groundborne vibration would be created by the Proposed Project. A less than significant impact would occur.</p>				
<p>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</p>			■	
<p>The only Project generated long-term operational noise impacts will be traffic noise. In this case, the increase in traffic trips associated with the construction of 40 residences is negligible. In addition, the project is consistent with the General Plan designation for the site. Traffic trips associated with build-out of General Plan land uses were contemplated in the General Plan. Therefore, there is no potential for a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project. A less than significant impact would occur.</p>				
<p>d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</p>			■	
<p>The Proposed Project site is surrounded on two sides by residential development. The most proximate sensitive receptor that is subject to potential construction noise impacts is the existing residential areas around the Proposed Project sites. According to the Moreno Valley Municipal Code (9.10.030), all temporary construction activities are exempt from the noise standards as long as construction activities are limited to the daytime hours as described above and construction equipment is properly maintained with working mufflers. Although potential impacts are anticipated to be less than significant, Mitigation Measures N-1 and N-2 have been include to ensure compliance with the Municipal Code requirements pertaining to noise.</p>				
<p>e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p>			■	
<p>The project is located more than 3.5 miles to the east of March Air Reserve Base. The project is not in a designated zone of the March Air Reserve Base Joint Land Use Study. There is no potential for a significant impact.</p>				
<p>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</p>				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The Proposed Project is not located within the vicinity of a private airstrip and would not expose people residing or working in the project area to excessive noise levels. No impact would occur.

XIII. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				■
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The project would not induce population growth as the proposal is consistent with the General Plan and zoning allowing for a maximum of five dwelling units per acre. No impact would occur.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				■
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The Proposed Project would result in the future development of 40 single-family homes. The site is currently vacant and therefore would not displace existing housing. No impact would occur.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				■
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The site is vacant. The Proposed Project would not displace substantial number of people, necessitating the construction of replacement housing elsewhere. No impact would occur.

XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?			■	
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The City departments have participated in the project review process and have determined that the Proposed Project will not result in substantial adverse physical impacts associated with the provision of public services for the site. The project would require additional fire protection services for 40 single-family homes. The project is consistent with the City's General Plan, and existing zoning. Therefore, the project can be adequately served by existing fire stations. Standard conditions of approval will require payment of impact fees for the project. No impact would occur.

b) Police protection?			■	
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The project would require additional police protection to provide service for 40 single-family homes. The project is consistent with the City's General Plan, and existing zoning. Therefore, the project can be adequately served by existing police facilities. Standard conditions of approval will require payment of impact fees for the project. No impact would occur.

c) Schools?			■	
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The Proposed Project would result in a small increase in demand for schools. The impact would be offset through the payment of impacts fees to the Moreno Valley Unified School District. No impact would occur.

d) Parks?			■	
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The project would require a slight increase in demand related to parks services. The project is consistent with the City's General Plan, and existing zoning. Conditions of approval will require payment of impact fees for the project. No impact would occur.

e) Other public facilities?				■
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The Proposed Project would not result in an increased demand for other public facilities. No impact would occur.

XV. RECREATION.

a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				■
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The Proposed Project would create 40 residential lots on 9.4 acres. The potential use of existing neighborhood or regional parks as a result would be consistent with other similar residential projects. Impact fees pertaining to parks would apply to the project. No impact would occur.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				■
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The Proposed Project does not include recreational facilities and would not require the expansion of existing recreational facilities. No impact would occur.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				■
The Proposed Project is consistent with the General Plan, and would not have any direct impact on traffic. The project would complete a segment of Brodiaea Avenue which will allow for easier access of existing residences from the west to access Moreno Beach Drive.				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				■
The Proposed Project would not conflict with a congestion management plan as the Proposed Project is limited to improvements that improve sidewalks and some limited roadway widening.				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				■
The Proposed Project would not result in a change in air traffic patterns or an increase in traffic levels or location resulting in substantial safety risks. No impact would occur.				
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				■
The Proposed Project would not increase hazards to a design feature or incompatible uses. The Proposed Project completes a segment of Brodiaea Avenue which will provide for improved access. No impact would occur.				
e) Result in inadequate emergency access?				
The Proposed Project has been designed to be consistent with the General Plan and the surrounding pattern of circulation. It will not result in inadequate emergency access. No impact would occur.				
f) Conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				■
The Proposed Project would not conflict with alternative transportation. The Proposed Project would further pedestrian access by completing the street frontage and sidewalk on Brodiaea Avenue. No impact would occur.				
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				■
The Proposed Project is consistent with the General Plan. Therefore, it would not exceed wastewater treatment requirements of the Regional Water Quality Control Board. No impact would occur.				
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				■
Since the project is consistent with the General Plan, water facilities to serve such use have already been contemplated. The Proposed Project would not require the construction of new water or wastewater treatment facilities or expansion of existing facilities. The Proposed Project would not generate any wastewater resulting in a need to construct new or expand existing treatment facilities. No impact would occur.				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				■
The proposed project will provide necessary infrastructure for the 40 residences. The project would not result in the need for the construction of storm drain facilities that might cause a significant environmental effect. There is no potential impact.				
d) Have sufficient water supplies available to serve the project from existing				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
entitlements and resources, or are new or expanded entitlements needed?				
The project is within an area with existing water infrastructure and supplies. The water purveyor, Eastern Municipal Water District (EMWD) prepared an Urban Water Master Plan demonstrating that it will have sufficient water supplies available to serve urban development on the property. EMWD has been advised of the project has not provided any indication of inadequate water supplies. No impact would occur.				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				■
The Proposed Project would not result in the construction of any structures that would generate wastewater. The project would not impact a wastewater treatment provider's capacity. No impact would occur.				
f)) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				■
The Proposed Project would only generate solid waste during its construction phase. All solid waste generated during construction would be disposed of according to standard construction practices by the construction contractor. No impact would occur.				
g) Comply with federal, state, and local statues and regulations related to solid waste?				■
The Proposed Project would comply with all federal, state, and local regulations regarding solid waste. The project would result in a negligible amount of solid waste during construction. No impact would occur.				
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			■	
The site does not include habitat for fish or wildlife species, as documented by the burrowing owl study that was prepared by PCR Consultants. A pre-construction burrowing owl survey will be required as provided for in the Multi-species Habitat Conservation Plan protocol to ensure that burrowing owls are not present in proximity to the construction sites. The project will have no impact on archaeological resources or historical structures.				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				■
The Proposed Project would not have impacts that could potentially be cumulatively considerable. The Proposed Project is located in an already developed area. Also, the Proposed Project would comply with the City of Moreno Valley General Plan standards. No impact would occur.				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				■
The Proposed Project would not result in a significant impact that would cause substantial adverse effects on human beings, either directly or indirectly. A less than significant impact would occur with incorporation of mitigation measures included in this document.				

Issues and Supporting Information

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Documents incorporated by reference:

2014 Airport Land Use Commission, March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan

Burrowing Owl Assessment for project site, PCR Consultants, June 2015

City of Moreno Valley

2006 General Plan. Adopted 2006

2006 General Plan Final EIR. Adopted 2006

Municipal Code. http://www.moreno-valley.ca.us/city_hall/muni_code.shtml

California Department of Conservation

2012 Division of Land Resource Protection, Farmland Mapping and Monitoring Program. Important Farmland in California.
(Web source: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/riv12_w.pdf)

Cultural Resource Inventory, University of California, Riverside, October 1987

Federal Emergency Management Agency, Flood Insurance Rate Map, City of Moreno Valley Index, Panel 06065C0770G, 8/28/2008

Geotechnical Evaluation, Geotek, Inc., October 27, 2014

Preliminary Drainage Study, Tentative Tract No. 36882, B & E Engineers, June 15, 2015

Preliminary Project Specific Water Quality Management Plan, B & E Engineers, March 5, 2015 (revised June 29, 2015)

Mitigation Monitoring and Reporting Program (MMRP)

PA15-0010 (Tentative Tract Map No. 36882)

CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring Program (MMP) for the changes to the project that it has adopted in order to mitigate or avoid significant environmental impacts. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code §21081.6).

Mitigation Monitoring and Reporting Procedures

The Mitigation Monitoring and Reporting Program is the primary means to ensure that measures to reduce environmental impacts will be implemented.

The City of Moreno Valley Community Development Department, Planning Division, will coordinate the monitoring of the mitigation measures. (see the Mitigation Monitoring and Reporting Summary Table beginning on page 2). Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation measure; and 3) retention of records in the project file.

This MMRP delegates responsibilities for monitoring the project, and allows responsible City entities flexibility and discretion in determining how best to monitor implementation.

Prepared by:

City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Staff Contact: Chris Ormsby, AICP, Senior Planner, City of Moreno Valley
(951) 413-3229

City of Moreno Valley - Mitigation Monitoring and Reporting Program

PA15-0010 (Tentative Tract Map No. 36882); Subdivision of Approximately 9.4 acres into 40 residential lots

Mitigation	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Air Quality							
AQ-1 Roadway grading activities shall comply with South Coast Air Quality Management District Rule 403 regarding the control of fugitive dust (Policy 6.7.5).	Project Construction Contractor; City of Moreno Valley	City of Moreno Valley Public Works Department	During construction				
AQ-2: Construction contractor shall ensure that all disturbed areas are watered frequently enough to ensure effective control of fugitive dust (at least three times per day). Frequency shall be increased during high and gusty wind conditions.	Project Construction Contractor; City	Public Works Department	During construction				
Noise							
N-1: Construction activities shall be operated in a manner that limits noise impacts on surrounding uses (Policy 6.5.2). In order to limit noise impacts on surrounding property, the construction contractor will ensure the following: <ul style="list-style-type: none"> All construction equipment powered by gasoline or diesel engines will be required to have sound-control devices at least as effective as those originally provided by the manufacturer; no equipment will be permitted to have an unmuffled exhaust. Mobile noise-generating equipment and machinery 	Project Construction Contractor; City of Moreno Valley	City of Moreno Valley Public Works Department	Prior to the start of construction				

Attachment: Exhibit B - MMRP (1495 : TENTATIVE TRACT MAP 36882 TO SUBDIVIDE 9.4 ACRES INTO 40

Mitigation	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
<p>will be shut off when not in use</p> <ul style="list-style-type: none"> Construction vehicles assessing the site will be required to use the shortest possible route to and from local freeways, provided the routes do not expose additional receptors to noise 							
<p>N-2 The construction staging area for the project shall be located as far as possible from sensitive uses and the surrounding residences to minimize noise impacts during construction.</p>	<p>Project Construction Contractor, City of Moreno Valley</p>	<p>City of Moreno Valley – Planning Division</p>	<p>Prior to approval of grading permits</p>				

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
FOR
TENTATIVE TRACT MAP NO. 36882
Case No: PA15-0010
A.P.N.: 486-250-007

Approval Date: _____
Expiration Date: _____

The following conditions are attached for the following departments:

- Planning (P), including School District (S), Post Office (PO), Building (B)
- Fire Prevention Bureau (F)
- Public Works, Land Development (LD)
- Public Works, Special Districts (SD)
- Public Works – Transportation (TE)
- Parks & Community Services (PCS)
- Police (PD)
- Moreno Valley Utilities
- Other (Specify or Delete)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply)

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

- | | | |
|------------------------------|-----------------------------|---------------------|
| R - Map Recordation | GP - Grading Permits | CO - Certificate of |
| | Occupancy or building final | |
| WP - Water Improvement Plans | BP - Building Permits | P - Any permit |

Governing Document (see abbreviation at the end of the affected condition):

- | | | |
|-------------------|----------------------------------|-------------------|
| GP - General Plan | MC - Municipal Code | CEQA - California |
| | Environmental Quality Act | |
| Ord - Ordinance | DG - Design Guidelines | Ldscp - Landscape |
| | Development Guidelines and Specs | |
| Res - Resolution | UFC - Uniform Fire Code | UBC - Uniform |
| | Building Code | |

SBM - Subdivision Map Act

Attachment: Exhibit C - Conditions of Approval [Revision 1] (1495 : TENTATIVE TRACT MAP 36882 TO SUBDIVIDE 9.4 ACRES INTO 40 SINGLE-

**PLANNING DIVISION
 CONDITIONS OF APPROVAL
 PA15-0010 (TENTATIVE TRACT NO. 36882)
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- P2. Tentative Tract Map No. 36882 (PA15-0010) shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it 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. (MC 9.02.230, 9.14.050, 080)
- P3. 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)
- P4. A drought tolerant, low water using landscape palette shall be utilized throughout the tract to the extent feasible.
- P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P6. A separate model home complex or custom home review application(s) for each lot (an administrative process) is required for approval of the design of the future single-family homes.
- P7. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.

PRIOR TO GRADING

- P8. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P9. (GP) 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 the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. 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)
- P10. (GP) (For single-family projects of 5 or more units in the R5 or higher density districts only) Prior to approval of precise grading plan, final front and street side yard landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees.

**PLANNING DIVISION
 CONDITIONS OF APPROVAL
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- P11. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.

(GP Objective 23.3, DG, CEQA).

- P12. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.
- P13. (GP) 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. (CEQA)
- P14. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
- A. Side and rear yard fences/walls (not adjacent to a right of way) are required to be constructed of decorative block, poly-vinyl or wood.
 - B. A solid decorative block wall with pilasters and a cap is required along any right of way within the interior of the tract (all corner lots).
 - C. A six (6) foot high decorative combination wall with pilasters is required at top of slope along bio-retention facility. The combined retaining wall and wall above it shall not exceed a total of eight feet solid.

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- P15. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA or other private entity shall be submitted to the Planning Division for review and approval 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 wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

PRIOR TO RECORDATION OF FINAL MAP

- P16. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)
- P17. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to 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, water quality basins, and landscaping. 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:

- The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.

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- (R) All lots designated for open space and or detention basins, shall be included as an 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.

PRIOR TO BUILDING PERMIT

- P18. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees. (Ord)
- P19. (BP) 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.
- P20. (BP) Prior to issuance of building permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

PRIOR TO CERTIFICATE OF OCCUPANCY

- P21. (BP) Prior to issuance of building permits, the developer or developer'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)
- P22. (CO) Prior to the issuance of Certificates of Occupancy or building final, slope landscape and irrigation shall be installed. Landscaping on lots not yet having dwelling units shall be maintained by the developer weed and disease free.(MC 9.03.040)
- P23. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed per the approved plans on file in the Planning Division. (MC 9.080.070)
- P24. (CO) For 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.

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Building and Safety Division

- B-1 New buildings/structures shall comply with the current California Codes (CBC, CEC, CMC, CPC, and the Green Building Standards) as well as all other city ordinances. Plans shall be submitted to the Building Department as a separate submittal, and shall include a soils report at time of first submittal. The 2013 California Building Code is currently in effect for all new building permits.
- B-2 (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.
- B-3 Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.

MORENO VALLEY UNIFIED SCHOOL DISTRICT

- S-1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

- PO-1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

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- F1. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6" x 4" x 2 1/2") located at each intersection of all residential streets and spaced no more than 500 feet apart in any direction, more than 250 feet from any portion of the building as measured along approved emergency vehicular travel ways. Minimum fire flow shall be 1000 GPM for 2 hours 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). The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the residential development. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.
- F2. Prior to issuance of Certificate of Occupancy, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MV City Standard Engineering Plan 422 a, b, c)
- F3. 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)
- F4. Each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
- F5. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- F6. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (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. (CFC 501.4 and MV City Standard Engineering Plan 108d)
- F7. Prior to and after construction, all fire apparatus access roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
- F8. The angle of approach and departure for any means of Fire Department access shall not exceed 1 foot drop in 20 feet (0.3 m drop in 6 m), and the design

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limitations for local fire apparatus shall be subject to approval by the Moreno Valley Fire Department. (CFC 503 and MVMC 8.36.060)

- F9. 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)
- F10. Prior to issuance of Certificate of Occupancy, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1, MVMC 8.36.060[I])
- F11. Prior to issuance of a Certificate of Occupancy, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. 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) Applies only if this is planned as a gated community.
- F12. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F13. Prior to issuance of Certificate of Occupancy, 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])
- F14. 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.

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

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Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

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)

- F15. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F16. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105, MVMC 8.36.100[A])
- F17. Prior to issuance of Certificate of Occupancy, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, to the Fire Prevention Bureau.
- F18. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 33 & CBC Chapter 33)
- F19. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 105)
- F20. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 105)
- F21. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 105)

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- F22. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.8)
- F23. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC 102.3)
- F24. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer. (“Speed bumps” throughout development if applicable.)
- F25. 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 force at the time of building plan submittal.

PUBLIC WORKS DEPARTMENT

Land Development

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

- LD1. (G) 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)
- LD2. (G) 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 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. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any

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particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5)

- LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate 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 Public Improvement Agreement or issuance of a permit.
- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive 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 Public Works Department.
 - (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 shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the 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.

- LD6. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not

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- limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD7. (G) 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.
- LD8. (G) For single family residential subdivisions, all lots shall drain toward the street unless otherwise approved by the City Engineer. Residential lot drainage to the street shall be by side yard swales and include yard drain pipes and inlet grates (or stubbed and capped if area is not yet landscaped) that convey flows to the street in accordance to City Standard No. MVS1-152-0 independent of adjacent lots. No over the sidewalk drainage shall be allowed, all drainage shall be directed to a driveway or drainage devices located outside the right-of-way. (MC 9.14.110)
- LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD10. (G) Water quality basins designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential development may not be used as a construction best management practice. The water quality basin shall be maintained for the entire duration of project construction and be used to treat runoff from those developed portions of the project. The water quality basin shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. The water quality basin shall be graded per the approved design drawings and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Homeowner’s Association. The Homeowner’s Association shall enter into an agreement with the City for basin maintenance.
- LD11. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on Mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch Mylar and submitted with the plans for plan check. These conditions of approval shall become part of these

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plan sets and the approved plans shall be available in the field during grading and construction.

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) Prior to approval of grading plans, 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. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
- d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
- e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD13. (GPA) Prior to approval of the grading plans 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). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly

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- connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
- b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
 - d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - e. 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 of the Public Works Department.

- LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) prior to grading plan approval.
- LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD17. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's 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. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s).
- LD18. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD19. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.
- LD20. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved.

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- LD21. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)
- LD22. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project. (MC 8.21.070)
- LD23. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the implementation and maintenance of erosion control measures required as a condition of approval of the project. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City. (MC 8.21.160)
- LD24. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

- LD25. (MA) Prior to approval of the map, all street dedications shall be 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. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD26. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD27. (MA) Prior to approval of the map, the developer shall enter into an 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. (MC 9.14.110)
- LD28. (MR) Prior to recordation of the map 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. (MC 9.14.110)

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- LD29. (MR) Prior to recordation of the map, if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California State Department of Real Estate.
- LD30. (MR) Prior to recordation of the map, if applicable, the developer shall have all street names approved by the City Engineer. (MC 9.14.090)
- LD31. (MR) Prior to recordation of the final map, this project is subject to requirements 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. Following are the requirements:
- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
 - ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.
 - b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. The final option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD32. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch Mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

Prior to Improvement Plan Approval or Construction Permit

- LD33. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

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- LD34. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.
- LD35. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.
- LD36. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
- a. Corner cutbacks in conformance with City Standard MVSI-165-0 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
 - b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
 - c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
 - d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. MVSI-160A-0, or as approved by the City Engineer. (MC 9.14.020)
 - e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
- LD37. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.
- LD38. (IPA) Prior to approval of the improvement plans, 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 years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

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- LD39. (IPA) Prior to street improvement plan approval, 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 relocations
- LD40. (IPA) Prior to approval of the improvement plans, 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, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD41. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)
- LD42. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD43. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will 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 Public Works Department – Land Development Division. (MC 9.14.110)
- LD44. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction

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permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

- LD45. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.
- LD46. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (PDF) digital format to the Land Development Division of the Public Works Department.
- LD47. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

- LD48. (BP) Prior to issuance of building permits, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, the developer shall submit bylaws and articles of incorporation for review and approval as part of the maintenance agreement for any water quality basin.
- LD49. (BP) Prior to issuance of building permits, if the project involves a residential subdivision, the map shall be recorded (excluding model homes). (MC 9.14.090)
- LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.
- LD51. (BP) Prior to issuance of a building permit, this project is subject to requirements 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. Following are the requirements:
- a. Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality Ponds/Bio-swales". Any lots which are identified as "Water Quality Ponds/Bio-Swales" shall be owned in fee by the HOA.
 - b. Dedicate a maintenance easement to the City of Moreno Valley.
 - c. Execute a maintenance agreement between the City of Moreno Valley and the HOA. The maintenance agreement must be approved by City Council.

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- d. Establish a trust fund per the terms of the maintenance agreement.
- e. Provide a certificate of insurance per the terms of the maintenance agreement.

LD52. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD53. Prior to the issuance of the first building permit, if there are any conflicts with dry and/or wet utilities identified on the public improvement plans, the developer shall provide the City with a copy of the utility relocation plan approved by the utility purveyor.

Prior to Certificate of Occupancy

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.
- b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
- c. City-owned utilities.
- d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
- e. Under grounding of existing and proposed utility lines less than 115,000 volts.
- f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

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LD56. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD57. (CO) Prior to issuance of a certificate of occupancy or building final for residential projects, the last 20% or last 5 units (whichever is greater, unless as otherwise determined by the City Engineer) of any Map Phase, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.

LD58. (CO) Prior to issuance of a certificate of occupancy, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

LD59. (CO) Prior to issuance of the first certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

- a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
- b. Provide the City with an Engineer's Line and Grade Certification.
- c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer shall:

- a. Notify City Staff (Land Development Division) prior to construction and installation of all structural BMPs so that an inspection(s) 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

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- 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 basin, including re-grading to approved civil drawing if necessary.
- f. Provide City with updated Engineer's Line and Grade Certification.
- g. Obtain approval from City to install irrigation and landscaping.
- h. Complete installation of irrigation and landscaping.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. 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.

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LD62. Prior to rough grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. Drainage improvements shall consist of:

- a. Maintenance and grading of the existing earthen swale located on the north side of Brodiaea Avenue along the project frontage. This may include continual maintenance re-grading and compaction of the swale as a result of construction activity related to street and storm drain improvements. Some related offsite grading, outside of the public right-of-way, may be required; permission from property owner to grade onsite may be required.
- b. Moreno Master Drainage Plan Line H-6 within public right-of-way in Brodiaea Avenue, along project frontage from as necessary. This includes, but not limited to, construction of a 36-inch minimum storm drain, laterals, catch basins/inlets, and local depressions.

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- c. Line H-8A within public right-of-way in Tradewinds Place, along project frontage from as necessary. This includes, but not limited to, construction of junction structure, 36-inch storm drain, laterals, catch basins, and local depressions. The existing 36-in storm drain within Tradewinds Place may need to be extended northerly if the street capacity cannot accommodate a 12-foot travel path during the 100-year storm event. Refer to the Design Policy in City Standard No. MVSI-160A-0.
- LD63. Prior to rough grading plan approval, the grading plans shall clearly demonstrate, with detail, the proper function and design of the bio-retention basin designated as Lot "A" on the approved tentative tract map. The design of the basin shall conform to City guidelines as found on the City's website and the RCFC&WCD Design Handbook for Low Impact Development Best Management Practices. The final bio-retention basin design, including inlet, outlet, overflow, maintenance access locations, shall be designed as approved of the City engineer.
- LD64. Prior to approval of any grading plan, the plans and the submitted drainage study shall clearly demonstrate this project's increased runoff mitigation. This project shall not discharge runoff at a rate greater in the post developed condition than that in the pre-developed condition, for any given storm event, unless the study demonstrates that the existing or proposed drainage facilities can accommodate the increased run-off. The storms to be studied include the 1-hour, 3-hour, 6-hour and 24-hour duration events for the 2-year, 5-year, 10-year and 100-year return frequencies.
- LD65. Prior to rough grading plan approval, the plans shall clearly demonstrate that all interior streets shall have a minimum slope of 1.0%. A proposed slope of less than 1.0% may be approved only when engineering design shows that local drainage provisions are adequate and steeper gradients cannot be obtained, as supported by a submitted engineered design and approved by the City Engineer.
- LD66. Prior to rough grading plan approval, the Applicant shall submit for approval a Project Specific F-WQMP. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Water Quality Management Plan: A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. At a minimum, the F-WQMP shall include the following: storm water BMPs, LID Principles, Source Control BMPs, Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of a bio-retention BMP for water quality treatment. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP, per the Special Project Conditions listed above. The Applicant acknowledges that more area than

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currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

- b. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.
- c. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
- d. The NPDES notes per City Standard Plan No. MVFE-350-0 shall be included in the grading plans.
- e. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

LD67. Prior to issuance of building permit, the precise grading plans shall be approved.

LD68. Prior to approval of the final map, the map shall show the following as shown on the approved tentative tract map:

- a. A 7-foot street right-of-way abandonment/vacation on the south side of Brodiaea Avenue along project northerly frontage.
- b. The appropriate street right-of-way dedication at each knuckle per City Standard Plan No. MVSI-162-0.
- c. The appropriate street right-of-way dedication on the south side of Brodiaea Avenue along the project's north frontage to ensure a centerline to south right-of-way distance of 33 feet for a Collector, City Standard Plan No. MVSI-106B-0.
- d. The appropriate street right-of-way dedication on the east side of Tradewinds Place along the project's west frontage to ensure a centerline to east right-of-way distance of 30 feet for a Local Street, City Standard Plan No. MVSI-108A-0. It should be noted that the current City Standard requires only 28 feet of half-street right-of-way, however, 30 feet will be required to be consistent with the roadway alignment of existing improvements.
- e. The appropriate street right-of-way dedications within the tract to ensure a right-of-way distance of 56 feet for a Local Street, City Standard Plan No. MVSI-107A-0, for Streets "B", "C" and "D".
- f. Corner cutbacks per City Standard Plan No. MVSI-165-0.

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LD69. Prior to final map approval and issuance of a building permit, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

- a. Brodiaea Avenue – Lot “F” (66’RW/44’CC) shall be constructed per City Standard No. MVSI-106B-0 for a Collector to half-width plus an additional 12 feet north of the centerline, along the entire project’s northerly frontage. Improvements include, but are not limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, storm drain, catch basins, signing and striping, any necessary offsite improvement transition/joins to existing improvements, streetlights, pedestrian access ramps, dry and wet utilities.
- b. Tradewinds Place – Lot “E” (60’RW/40’CC) shall be constructed per City Standard No. MVSI-107A-0 for a Local Street. Remaining improvements to be constructed by this developer include, but are not limited to pavement, base, curb and gutter, sidewalk, street lights, pedestrian access ramps, dry and wet utilities.
- c. Streets “B”, “C” and “D” – Lots “B”, “C” and “D”, respectively, (56’RW/36’CC) shall be constructed per City Standard No. MVSI-107A-0 for a Local Street. Improvements include, but are not limited to, driveway approaches, curb and gutter, sidewalk, street lights, cross gutters, driveway approaches, signing and striping, dry and wet utilities.
- d. Lot “A” shall be designated for as a bio-retention basin for water quality purposes and improvements shall include, but are not limited to, landscaping, irrigation, access ramp, headwalls, rip rap, risers, low-flow pipe system, and retaining walls.
- e. Driveway approaches shall be constructed per City Standard No. MVSI-111A-0. The bio-retention driveway approach shall be constructed per Standard No. MVSI-111A-0 modified to include the structural section as required by commercial driveway approach Standard No. MVSI-112C-0.

Prior to occupancy, as-built street improvement plans, storm drain plans and precise grading plans shall be submitted for review and approved.

Special Districts

Conditions are standard to all or most development projects.

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Acknowledgement of Conditions

The following items are the Special Districts Division's Conditions of Approval for project PA15-0010; this project shall be completed at no cost to any Government Agency. All questions regarding the following Conditions including but not limited to intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Financial & Management Services Department 951.413.3480 or by emailing specialdistricts@moval.org.

General Conditions

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD-2 Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
- SD-3 Street Light Authorization forms for all street lights that are conditioned to be installed as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison. For questions, contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.

Prior to Recordation of Final Map

- SD-4 (R) This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trail systems. The Developer shall satisfy this condition with one of the options below.
- a. Participate in a special election for annexation into Community Facilities District No. 1 and pay all associated costs of the special election process and formation, if any; or
 - b. Establish an endowment fund to cover future maintenance costs for new neighborhood parks.

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The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

Annexation to CFD No. 1 shall be completed or proof of payment to establish the endowment fund shall be provided prior to the issuance of the first building permit for this project.

- SD-5 (R) This project has been identified to be included in the formation of a Community Facilities District for Public Safety services including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the property owner shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify the Special Districts Division at 951.413.3480 or specialdistricts@moval.org of its intent to record the final map for the development 90 days prior to City Council action authorizing recordation of the map to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)
- SD-6 (R) This project is conditioned to provide a funding source for the capital improvements, energy charges, and maintenance for street lighting. The Developer shall satisfy this condition with one of the options below.
- a. Participate in a special election (mail ballot proceeding) for street lighting and pay all associated costs of the special election and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
 - b. Establish an endowment fund to cover future operation and maintenance costs for the street lights.
 - c. Projects with privately maintained streets, establish a property Owner Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance

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costs associated with the street lights installed on private roadways.
This does not apply to publicly accepted roadways.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

The financial option selected shall be in place prior to the issuance of the first building permit.

- SD-7 (R) This project is conditioned to provide a funding source for the operation and maintenance of public improvements and/or services associated with new development in that territory. The Developer shall satisfy this condition with one of the options below.
- a. Participate in a special election for maintenance/services and pay all associated costs of the election process and formation, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
 - b. Establish an endowment fund to cover the future maintenance and/or service costs.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

The financial option selected shall be in place prior to the issuance of the first building permit.

- SD-8 *Residential* (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, system evaluations and enhancements, remediation and/or replacement, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or specialdistricts@moval.org of its selected financial option (see

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Land Development's related condition) 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

Prior to Building Permit Issuance

- SD-9 (BP) This project has been identified to potentially be included in the formation of a Map Act Area of Benefit Special District for the construction of major thoroughfares and/or freeway improvements. The property owner(s) shall participate in such District and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but will retain the right to object any eventual assessment that is not equitable should the financial burden of the assessment not be reasonably proportionate to the benefit the affected property obtains from the improvements to be installed. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option when submitting an application for the first building permit to determine whether the development will be subjected to this condition. If subject to the condition, the special election requires a 90 day process in compliance with the provisions of Article 13C of the California Constitution. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100).
- SD-10 (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (specialdistricts@moval.org). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee. Questions may be directed to the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.

Transportation Engineering

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

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General Conditions

- TE1. Brodiaea Avenue is classified as a Collector (66'RW/44'CC) per City Standard Plan No. MVSI-106B-0. Any improvements to the roadway shall be per City standards or as approved by the City Engineer.
- TE2. Streets A, B, and C are classified as Local Streets (56'RW/36'CC) per City Standard Plan No. MVSI-107A-0. Any improvements to the roadway shall be per City standards or as approved by the City Engineer.
- TE3. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City Standard Plan No. MVSI-111A-0 for residential driveway approach.
- TE4. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

Prior to Improvement Plan Approval or Construction Permit

- TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4.
- TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.
- TE7. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.

Prior to Certificate of Occupancy

- TE8. (CO) Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards

Prior to Acceptance of Streets into the City-Maintained Road System

- TE9. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for Case No. PA15-0010, this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department regarding the conditions.

- PCS-1 This project is required to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. This can be achieved through annexing into Community Facilities District No. 1 (Park Maintenance). Please contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org to complete the annexation process.
- PCS-2 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks and Community Services). All assessable parcels therein shall be subject to the annual Zone 'A' charge for operations and capital improvements. Proof of such shall be supplied to Parks and Community Services upon Final Map and at Building Permits.
- PCS-3 Per the Municipal Code, this project is subject to current Quimby Fees.

POLICE DEPARTMENT

Standard Conditions

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- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080)
- PD2. (GP) 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. (DC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community Development Department - Building Division for routing to the Police Department. (DC 9.08.080)

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

Moreno Valley Utility

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA15-0010; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

PRIOR TO ENERGIZING MVU ELECTRIC UTILITY SYSTEM AND CERTIFICATE OF OCCUPANCY

- MVU-1 (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the

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City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

- MVU-2 (BP) City of Moreno Valley Municipal Utility Service – Electrical Distribution: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision 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, or the City’s designee, 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 to be necessary for the distribution and /or delivery of any and all “utility services” to each lot and unit within the Tentative Map. 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.

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- MVU-3 This project may be subject to a Reimbursement Agreement. The project may be 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.
- MVU-4 For all new projects, existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer 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.