

## RESOLUTION NUMBER 2022-51

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

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

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

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

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

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

**WHEREAS**, consistent with the requirements of Section 9.02.060 (Conditional Use Permits) of the Municipal Code, at the public hearing, the Planning Commission considered Conditions of Approval to be imposed upon Conditional Use Permit (PEN22-0162), which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety, and welfare and to ensure the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

**WHEREAS**, consistent with the requirements of Chapter 9.14 (Land Divisions) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Tentative Tract Map 38237 (PEN21-0199), which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety, and welfare and to ensure the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

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

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

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

**WHEREAS**, on November 17, 2022, in accordance with the provisions of the California Environmental Quality Act (CEQA<sup>1</sup>) and CEQA Guidelines<sup>2</sup>, the Planning Commission considered and recommended that the City Council approve Resolution 2022-48, adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Proposed Project.

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

**Section 1.                      Recitals and Exhibits**

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

**Section 2.                      Notice**

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

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

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

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

**Section 3. Evidence**

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

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

**Section 4. Findings**

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

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

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

**Section 5. Recommend City Council Approval**

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

**Section 6. Repeal of Conflicting Provisions**

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

**Section 7. Severability**

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

**Section 8. Effective Date**

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

**Section 9. Certification**

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

**PASSED AND ADOPTED THIS 17<sup>th</sup> day of November, 2022.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

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Alvin DeJohette, Chairperson

ATTEST:

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Sean P. Kelleher,  
Planning Official

APPROVED AS TO FORM:

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Steven B. Quintanilla,  
Interim City Attorney

Exhibits:

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

**Exhibit A**

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

**CONDITIONS OF APPROVAL**

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

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

EFFECTIVE DATE:  
EXPIRATION DATE:

**COMMUNITY DEVELOPMENT DEPARTMENT**

Planning Division

1. A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.
2. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. Approval of this Conditional Use Permit and Tentative Tract Map shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval (MC 9.02.230). The Tentative Tract Map shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration . (MC9.02.230, 9.14.050, 080)
4. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City’s elected and appointed officials, commissioners, board members, officers, agents, consultants and employees (“City Parties”) from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: ( i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.
5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds,

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 2

trash and debris. (MC 9.02.030)

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

### Special Conditions

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 3

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

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

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

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 4

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

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

### Prior to Grading Permit

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

## **CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 5

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

### Building Division

33. Prior to submittal, all new development, including residential second units, are required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
34. Contact the Building Safety Division for permit application submittal requirements.
35. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first obtained from the Building Official or City Engineer.
36. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
37. The proposed development shall be subject to the payment of required development fees as required by the City's current Fee Ordinance at the time a building application is submitted or prior to the issuance of permits as determined by the City.
38. The proposed project will be subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance . EMWD utility services shall be provided to each parcel within the development . Contact the water district at 951.928.3777 for specific details.
39. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
40. The proposed residential project shall comply with the California Green Building Standards Code, Section 4.106.4, mandatory requirements for Electric Vehicle Charging Station (EVCS).
41. Prior to permit issuance, every applicant shall submit a properly completed Waste Management Plan (WMP), as a portion of the building or demolition permit process . (MC 8.80.030)

### FIRE DEPARTMENT

#### Fire Prevention Bureau

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 6

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 7

- System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
55. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6” x 4” x 2 ½” x 2 ½”) (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
  56. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
  57. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
  58. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. ( CFC 501.4)
  59. Plans for private water mains supplying fire sprinkler systems and /or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
  60. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B 105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering said waterflow for 2 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B)
  61. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6” x 4” x 2 ½”) shall be located at each intersection of all residential streets. Hydrants shall be spaced no more than 500 feet apart in any direction so that no point on the street is more than 250 feet from a hydrant. Minimum fire flow shall be 1000 GPM for 1 hour duration of 20 PSI. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, serving one and two-family residential developments, standard fire hydrants shall be provided at spacing not to exceed 1000 feet along the tract boundary for transportation hazards. (CFC 507.3, Appendix B, MVMC 8.36.060).
  62. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
  63. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
  64. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. ( CFC 503.2.5)

## **CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 8

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

## **FINANCIAL & MANAGEMENT SERVICES DEPARTMENT**

### Moreno Valley Utility

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

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

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

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

## **CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 9

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

## **PUBLIC WORKS DEPARTMENT**

### **Land Development**

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

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

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 10

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 11

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

### Prior to Grading Plan Approval

84. Resolution of all drainage issues shall be as approved by the City Engineer.
85. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
86. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
87. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
  - 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. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
  - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

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

88. Tract 31590 (PEN20-0144) is awaiting the project's LOMR approval from FEMA, which is anticipated to eliminate the requirement for a CLOMR/LOMR for PEN21-0199. If the approval does not occur and/or if PEN21-0199 lies within a flood hazard area as defined below, the following is required:

The developer shall comply with the rules and regulations of FEMA and City Municipal Code 8.12 for development within a flood hazard area (defined as Zones A, AE and AH). For developments required to submit a CLOMR(-F) / LOMR(-F), the following items (prepared by a licensed civil engineer or land surveyor) shall be submitted:

  - a. Prior to plan approval, a Floodplain Development Permit (application available at the City).
  - b. Prior to issuance of the first building permit, a Conditional Letter of Map Revision (CLOMR) including Base Flood Elevation (BFE) shall be approved by the City Engineer and FEMA.
  - c. Prior to issuance of the certificate of occupancy, a Letter of Map Revision (LOMR)

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 12

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

### Prior to Grading Permit

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

## **CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 13

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

### Prior to Map Approval

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 14

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

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

### Prior to Improvement Plan Approval

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 15

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

### Prior to Encroachment Permit

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 16

### Prior to Building Permit

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

### Prior to Occupancy

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 17

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 18

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

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

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

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

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

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

### Special Districts Division

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

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 19

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

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

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

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

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

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 20

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

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

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

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

## CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 21

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

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

156. Park Maintenance Funding. Prior to City Council action authorizing the recordation of the map, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

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

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

## **CONDITIONS OF APPROVAL**

Conditional Use Permit (PEN22-00162) and

Tentative Tract Map (PEN21-0199)

Page 22

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

## **PARKS & COMMUNITY SERVICES DEPARTMENT**

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

158. This project is subject to current Quimby Fees.

### Standard Conditions

159. Detailed final plans (mylars, PDF, and AutoCAD file on a DVD-R) for parks, trails/bikeways, fencing, and adjoining landscaped areas shall be submitted to and approved by the Director of Parks and Community Services, or his /her designee, prior to the issuance of any building permits. All plans are to include a profile showing grade changes.

160. Within the improvements for PCS, the applicant shall show all existing and planned easements on all maps and plans. Easements on City/CSD owned or maintained parks, trails, bikeways, and landscape shall be identified on each of these plans with the instrument number of the recorded easement.

161. Prior to recordation of the Final Map, the applicant shall post security to guarantee construction or modification of parks, trails and/or bikeways for the City/CSD. Copies of said documentation shall be provided to PCS, prior to the approval of the Final Map.

162. Applicable plan check and inspection fees shall be paid, per the approved City fee schedule.

163. A restriction shall be placed on lots that back up to City /CSD owned or maintained parks, trails, bikeways, and landscaped areas, preventing openings or gates accessing the City/CSD owned or maintained property. This shall be documented through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee, prior to the recordation of the Final Map.

164. The following plans require PCS written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to bikeways; trail improvement plans. PCS will not approve any permits without review and approval of the above items.