

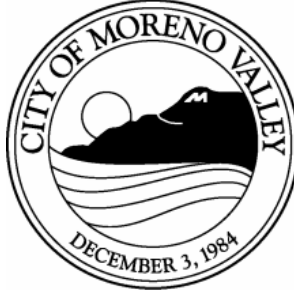
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**PLANNING COMMISSIONERS**

RICK DE JONG  
Chair

RAY L. BAKER  
Vice-Chair

MICHAEL S. GELLER  
Commissioner



RICHARD DOZIER  
Commissioner

GEORGE SALAS, JR.  
Commissioner

MARIA MARZOEKI  
Commissioner

VACANT  
Commissioner

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# **PLANNING COMMISSION AGENDA**

**February 24, 2011**

**PLANNING COMMISSION MEETING – 7:00 P.M.**

**CITY OF MORENO VALLEY  
City Hall Council Chambers  
14177 Frederick Street  
Moreno Valley, California 92553**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE MEETING**

**(ON DISPLAY AT THE REAR OF THE ROOM)**

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

The City of Moreno Valley complies with the Americans with Disabilities Act of 1990. If you need special assistance to participate in this meeting, please contact Mel Alonzo, ADA Coordinator at (951) 413-3027 at least 48 hours prior to the meeting. The 48-hour notification will enable the City to make arrangements to ensure accessibility to this meeting.

## NON-PUBLIC HEARING ITEMS

### APPROVAL OF MINUTES

### PUBLIC HEARING ITEMS

1. Case Number: P10-031  
Case Description: P10-031 - Amended Conditional Use Permit to expand an approved concrete batch plant onto an adjoining parcel that was previously approved for a self-storage warehouse facility.

Case Type: Amended Conditional Use Permit  
Applicant: Robertson's  
Owner: RRM Prop.  
Representative: Robertson's  
Location: East side of Old 215 Frontage Road and south of Alessandro Boulevard.

Proposal: Amended Conditional Use Permit would expand an approved concrete batch plant onto an adjoining parcel that was previously approved for a self-storage warehouse facility. The proposal would increase the concrete batch plant site from 2.05 acres to 5.1 acres. The expanded site will be utilized to store materials produced at the plant and concrete delivery trucks. The proposal would screen the storage area with solid walls and a tree row along the north, south and east property lines. The three-sided material storage building located along Old Highway 215 would increase in length from 195 feet to 286 feet. The proposal will not increase daily production beyond what was originally approved by the Planning Commission on August 14, 2008.

Case Planner: Jeff Bradshaw, Associate Planner

**Recommendation:** **APPROVE** Resolution No. 2011-04 and thereby:

  - 1. APPROVE** an addendum to a Mitigated Negative Declaration and associated Mitigation Monitoring Program for Amended Conditional Use Permit P10-031 in that the application, as designed and conditioned, will not result in significant environmental impacts; and,
  - 2. APPROVE** Amended Conditional Use Permit application P10-031, subject to the

Conditions of approval as attached as Exhibit A.

2. Case Number: PA10-0038  
PA10-0039  
PA10-0029
- Case Description: The applicant proposes Tentative Tract Map No. 36340 for the development of a 275 lot single-family residential small lot detached subdivision on an approximate 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include common open space lots for recreational opportunities within the R15 (Residential 15) land use district and protection of existing rock outcroppings with private open space and an existing drainage basin within the OS (Open Space) land use district. The A condominium map (No. 32825) was previously recorded for the subject property, while the site had been graded.
- Case Type: Tentative Tract Map No. 36340  
Conditional Use Permit  
Development Agreement
- Applicant: Beazer Homes  
Owner: Beazer Homes  
Representative: MDS Consulting  
Location: Southeast corner of Fir Avenue and Eucalyptus Avenue.
- Proposal: A Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit (PA20-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre parcel of land in the Residential 15 (R15) and Open Space (OS) land use districts. A development agreement (PA10-0029) is included with the project. A 276 unit condominium map (No. 32825) was originally recorded for the subject property and the site was previously graded.
- Case Planner: Mark Gross, Senior Planner
- Recommendation:** **APPROVE** Resolution Nos. 2011-05, 2011-06 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative

Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

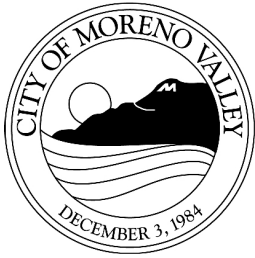
#### **OTHER BUSINESS**

1. 2010 Annual Report of the Planning Commission
  1. **ACCEPT** the 2010 Annual Report of the Planning Commission; and,
  2. **DIRECT** Staff to forward the 2010 Annual Report of the Planning Commission to the City Council.

#### **STAFF COMMENTS**

#### **PLANNING COMMISSIONER COMMENTS**

#### **ADJOURNMENT**



## PLANNING COMMISSION STAFF REPORT

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Case: P10-031 – Amended Conditional Use Permit

Date: February 24, 2011

Applicant: Robertson’s Ready Mix

Representative: Christine Goeyvaerts

Location: East side of Old Highway 215 and south of Alessandro Blvd.

Proposal: The applicant proposes to expand an approved concrete batch plant onto an adjoining parcel that was previously approved for a self-storage warehouse facility. The proposal would increase the concrete batch plant site from 2.05 acres to 5.1 acres. The expanded site will be utilized to store materials produced at the plant and concrete delivery trucks. The proposal will not increase daily production beyond what was originally approved by the Planning Commission on August 14, 2008.

Redevelopment Area: Yes

Recommendation: Approval

### SUMMARY

P10-031 is an application to amend Conditional Use Permit PA06-0179 for a concrete batch plant that was originally approved by the Planning on August 14, 2008. The developer of the self storage warehouse has withdrawn interest in building at this location and the property owner, Robertson’s Ready Mix (Robertson’s), has decided to expand the concrete batch plant onto the adjoining parcel.

**PROJECT DESCRIPTION**

Robertson's has submitted Amended Conditional Use Permit application P10-031 in order to expand an approved concrete batch plant onto an adjoining parcel that was previously approved for a self-storage warehouse facility.

Robertson's owns both the batch plant site and the self storage warehouse site. The developer of the self storage warehouse has withdrawn interest in building at this location and the property owner, Robertson's, has decided to expand the concrete batch plant onto the adjoining parcel and replace the self storage buildings with solid perimeter walls.

The proposal would increase the concrete batch plant site from 2.05 acres to 5.1 acres. The expanded site will be utilized to store concrete delivery trucks and materials produced at the plant. The proposal will not increase daily production beyond what was originally approved by the Planning Commission on August 14, 2008.

The original project included a variance for reduction of the required front yard setback. An existing high pressure gas line runs parallel to Old 215 Frontage Road across the western portion of the site. To accommodate placement of the proposed materials storage structure along the site frontage (screening the interior of the batch plant site), a reduced setback of 13 feet was approved (versus 20 feet standard). With the parkway component of the street improvements, the landscape element in front of the proposed materials storage structure would be 19 feet deep. The Amended CUP has been designed for consistency with the originally approved variance.

**Site**

The project site is located on the east side of Old I-215 Frontage Road, approximately 1,000 feet south of Alessandro Boulevard (Assessor's Parcel Numbers 297-100-068 and -069). The project site is in an area characterized by level terrain and developing industrial uses near March Air Reserve Base/Inland Port. Figure 3 in the Addendum/Initial Study checklist (Attachment 3) provides a recent aerial photograph of the project site and adjoining area.

**Surrounding Area**

The surrounding area is characterized by a mixture of commercial and non-conforming residential uses to the north along Alessandro Boulevard, with light manufacturing and warehouse uses to the east across Day Street. The approved Gateway Business Park project encompasses approximately 20 acres north of the subject sites to Alessandro Boulevard and east of the subject sites to Day Street. The area extending south to Cactus Avenue is vacant, as is the land to the west across Old 215 Frontage Road. March Air Reserve Base is located approximately 0.3 of a mile to the south of the project site, south of Cactus Avenue.

## Planning Commission Staff Report

### Page 3

#### Background

The Amended CUP proposes changes to a project that originally included three applications — a conditional use permit, a plot plan and a variance — related to a proposed concrete batch plant and self-storage warehouse on approximately 6 acres on the east side of Old I-215 Frontage Road, approximately 1,000 feet south of Alessandro Boulevard.

The Planning Commission approved a concrete batch plant for relocation to the project site from an existing facility on Day Street on August 14, 2008. The Day Street plant is a non-conforming use in an area that is envisioned for redevelopment with commercial uses compatible with the adjacent Towngate Specific Plan. In September 2006, the City entered into an Owner Participation Agreement with Robertson's, with the objective being relocation of the existing Day Street plant to a site with appropriate zoning that is better positioned to serve Robertson's customers. This project is also related to the Gateway Business Park project that was approved by City Council on February 26, 2008, in that the parcel map for the business park (Tentative Parcel Map 33152) creates the parcels for the batch plant and the self-storage site.

#### Design

Batch plant production capacity and operations are not proposed to change. The facility will be constructed in a manner that is consistent with the original Conditional Use Permit (PA06-0179). The three-sided material storage building located along Old Highway 215 would increase in length from 195 feet to 286 feet.

The expanded area site area will be screened with solid perimeter walls and a tree row along the north, south and east property lines. The three-sided material storage building located along Old Highway 215 would increase in length from 195 feet to 286 feet. The additional site area will be utilized for storage of material produced at the batch plant and truck storage.

The Municipal Code standard establishes a 5 acre minimum site area for projects in the Industrial land use designation. The integrated design of the batch plant and self-storage warehouse was originally considered to satisfy this requirement. The Amended CUP and condition parcel merger or lot line adjustment will result in a parcel for the batch plant that meets the City's minimum area requirement.

Conditions of approval and mitigation placed on the original project to reduce noise impacts to the caretaker's residence at the self storage warehouse no longer apply since the self storage facility will not be built. Staff recommends removal of all noise related conditions and mitigation measures. The attached conditions and mitigation measures have been revised to reflect that recommendation.

The Amended CUP as designed and conditioned is consistent with the approval of the original project. The proposal will not increase daily production beyond what was originally approved by the Planning Commission on August 14, 2008.

**REVIEW PROCESS**

In the review of this project, consideration was given to the potential impact to surrounding land uses by the expansion of the concrete batch plant site and the potential change to screening to replace what was previously afforded by the self storage facility.

Upon review at PRSC on May 11, 2010, modifications were required to the site plan, preliminary grading plan and building elevations. Comments from staff included the preparation of an updated Preliminary Water Quality Management Plan and drainage study and information about operational requirements of the expand batch plant.

Revised plans were submitted in July and November 2010 and January 2011. Upon review of the studies and the revised exhibits, a determination was made in January that the project map was ready to be scheduled for a Planning Commission public hearing.

**ENVIRONMENTAL**

An Addendum to the Mitigated Negative Declaration, approved for the original project on August 14, 2008 by Planning Commission, has been prepared. The changes proposed by Amended Conditional Use Permit P10-031 have been determined to be minor technical changes pursuant to Section 15164 of the California Environmental Quality Act Guidelines. Preparation of a subsequent mitigated negative declaration is not required since none of the conditions listed in CEQA Guidelines Section 15162 have occurred.

**NOTIFICATION**

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no inquiries regarding the project.



**STAFF RECOMMENDATION**

APPROVE Resolution No. 2011-04 and thereby:

1. **APPROVE** an addendum to a Mitigated Negative Declaration and associated Mitigation Monitoring Program for Amended Conditional Use Permit P10-031 in that the application, as designed and conditioned, will not result in significant environmental impacts.
2. **APPROVE** Amended Conditional Use Permit application P10-031, subject to the Conditions of approval as attached as Exhibit A.

Prepared by:

Jeff Bradshaw  
Associate Planner

Approved by:

John C. Terell, AICP  
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-04  
Exhibit A – Conditions of Approval
3. Addendum to Mitigated Negative Declaration /  
Initial Study checklist
4. Mitigation Monitoring Program
5. Reduced Site Plan
6. Reduced Exterior Elevations

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# 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:** P10-031 – Amended Conditional Use Permit

**APPLICANT:** Robertson's

**OWNER:** RRM Prop.

**REPRESENTATIVE:** Robertson's

**LOCATION:** East side of Old Highway 215 and south of Alessandro Boulevard

**PROPOSAL:** Amended Conditional Use Permit to expand an approved concrete batch plant onto an adjoining parcel that was previously approved for a self-storage warehouse facility. The proposal would increase the concrete batch plant site from 2.05 acres to 5.1 acres. The expanded site will be utilized to store materials produced at the plant and concrete delivery trucks. The proposal would screen the storage area with solid walls and a tree row along the north, south and east property lines. The three-sided material storage building located along Old Highway 215 would increase in length from 195 feet to 286 feet. The proposal will not increase daily production beyond what was originally approved by the Planning Commission on August 14, 2008.

**ENVIRONMENTAL DETERMINATION:** An Addendum to the Negative Declaration has been prepared pursuant to Section 15164 of the California Environmental Quality Act Guidelines as only minor technical changes or additions are required. None of the conditions described in Section 15162 of the Guidelines that call for preparation of a subsequent Negative Declaration have occurred

**COUNCIL DISTRICT:** 5

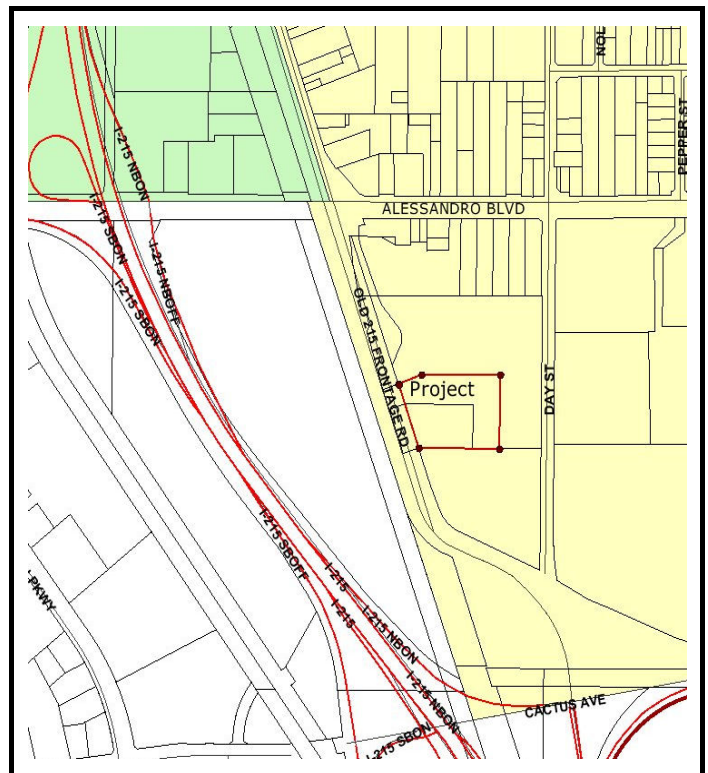
**STAFF RECOMMENDATION:** Approval

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) 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:** February 24, 2011 at 7:00 PM

**CONTACT PLANNER:** Jeff Bradshaw

**PHONE:** (951) 413-3224

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**PLANNING COMMISSION RESOLUTION NO. 2011-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING APPLICATION P10-031 FOR AN AMENDED CONDITIONAL USE PERMIT TO EXPAND AN APPROVED CONCRETE BATCH PLANT ONTO AN ADJOINING PARCEL THAT WAS PREVIOUSLY APPROVED FOR A SELF-STORAGE WAREHOUSE FACILITY (ASSESSOR'S PARCEL NUMBERS 297-100-068 AND -069).**

**WHEREAS**, the applicant, Robertson's, has filed application P10-031, for an Amended Conditional Use Permit to expand an approved concrete batch plant onto an adjoining parcel Industrial zoned parcel, as described in the title of this Resolution.

**WHEREAS**, on August 14, 2008, the Planning Commission of the City of Moreno Valley approved Conditional Use Permit PA06-0179 for a concrete batch plant on APN 297-100-069.

**WHEREAS**, on August 14, 2008, the Planning Commission of the City of Moreno Valley approved Variance application P08-017, allowing a reduced front yard setback of 13 feet where 20 feet is required.

**WHEREAS**, the proposed expansion of the concrete batch plant has been found to be consistent with the findings of approved Variance application P08-017, the approved reduced front yard setback shall be applied to Amended Conditional Use Permit P10-031.

**WHEREAS**, on February 24, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider application P10-031.

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

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

**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.

**ATTACHMENT 2**

**NOW, THEREFORE, BE IT RESOLVED**, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby specifically 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 February 24, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically 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 approval would allow expansion of an approved concrete batch plant onto an adjoining Industrial zoned parcel, which is consistent with the prevailing Business Park/Industrial land use designation. The proposed use has also been deemed consistent with General Plan policies related to the site's location within an area influenced by aircraft operations at March Air Reserve Base/Inland Port, as evidenced by correspondence from both the Air Force and March Joint Powers Authority. The project design and conditions of approval include various infrastructure improvements, consistent with General Plan policy requiring that infrastructure improvements needed to support the project are available at the time they are needed. As designed and conditioned, the proposed development is consistent with existing 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:** The area and configuration of the expanded concrete batch plant is consistent with the requirements of the established Industrial land use district. Project design, conditions of approval, and established City regulations and procedures provide a mechanism to ensure consistency with land use restrictions related to the site's location within an Accidental Potential Zone associated with aircraft operations at March Air Reserve Base/March Inland Port. The proposed project has been evaluated against applicable zoning and other regulations and, with approval of the requested variance for a reduced front yard setback, has been determined to meet all applicable requirements. While the project site is not within a specific plan area, the proposed project contributes to

implementation of the Towngate Specific Plan by providing for relocation of the existing batch plant on Day Street.

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:** Eastern Municipal Water District will provide water and sewer services to the site. If on-site sewage disposal is utilized, established regulations and procedures administered by the City, Riverside County Environmental Health and the California Regional Water Quality Control Board ensure improvements are completed in a manner that is not detrimental to public health. Identified hazardous conditions associated with former use of the property are of comparatively limited scale and can be addressed with standard remediation practices. The conditions of approval require evidence of successful remediation prior to any site disturbance. Project conditions of approval and established City regulations and procedures provide a mechanism to ensure consistency with land use restrictions related to the site's location within an Accidental Potential Zone associated with aircraft operations at March Air Reserve Base/March Inland Port. Environmental analysis of the proposed project included consideration of impacts related to noise and air quality, documenting that the project as proposed and conditioned will not significantly impact the health, safety or welfare of plant site workers or the nearest residents. There is no reasonable basis to suspect that the proposed batch plant would cause serious public health problems.

4. **Conformance with City Redevelopment Plans** – The proposed use conforms with any applicable provisions of any city redevelopment plan.

**FACT:** This subject property is within the boundaries of the City of Moreno Valley Redevelopment Project Area. By virtue of conformance with all applicable provisions of the City of Moreno Valley General Plan and Municipal Code, the project is also in conformance with applicable provisions of the redevelopment plan. The proposed concrete batch plant project implements an important element of the City's Redevelopment Plan by relocating the existing concrete batch plant on Day Street from the planned commercial district in the Towngate area.

5. **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 project site is essentially level, enjoys direct access on a minor arterial, and has ready access to the regional transportation network at both Cactus Avenue and Alessandro Boulevard. Project design has considered and accommodated the existing high-pressure gas lines along the site frontage. Project conditions of approval and established City regulations and procedures provide a mechanism to ensure consistency with land use restrictions related to the site's location within an Accidental Potential Zone associated with aircraft operations at March Air Reserve Base/March Inland Port. Surrounding properties are planned and zoned for industrial uses, with much of the area developed or under construction. Remaining non-conforming residential uses to the north across Alessandro Boulevard are well separated from the site. The Amended Conditional Use Permit has been conditioned to provide solid walls and tree rows to screen the activities within the batch plant. There are no conditions on the site or in the surrounding area that make the site unsuitable for the proposed concrete batch plant.

**BE IT FURTHER RESOLVED** that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-01, approving an addendum to a Mitigated Negative Declaration and associated Mitigation Monitoring Program for Amended Conditional Use Permit P10-031 in that the application, as designed and conditioned, will not result in significant environmental impacts, and approving Amended Conditional Use Permit P10-031, subject to the conditions of approval included as Exhibit A.

**APPROVED** this 24<sup>th</sup> day of February, 2011.

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Rick De Jong  
Chair, Planning Commission

ATTEST:

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John C. Terell, Planning Official  
Secretary to the Planning Commission

APPROVED AS TO FORM:

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City Attorney



**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL FOR  
AMENDED CONDITIONAL USE PERMIT P10-031  
EXPANSION OF A CONCRETE BATCH PLANT  
APN's: 297-100-068 AND -069**

**Approval Date:**  
**Expiration Date:**

**The conditions of approval include requirements from the following:**

- Planning (P), including Building (B), School District (S), Post Office (PO)**
- Fire Prevention Bureau (F)**
- Public Works – Land Development (LD)**
- Public Works – Special Districts (SD)**
- Public Works – Transportation Engineering (TE)**
- Public Works – Moreno Valley Utilities (MVU)**
- Parks & Community Services (PCS)**
- Police (PD)**

**Note: All Special conditions are in bold lettering.** All other conditions are standard to all or most development projects.

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**

**Planning Division**

**P1. Amended Conditional Use Permit P10-031 has been approved for the expansion of an approved concrete batch plant onto an adjoining Industrial zoned parcel that was previously approved for use as a self-storage warehouse facility. The proposal would increase the concrete batch plant site from 2.05 acres to 5.1 acres. The expanded site will be utilized to store materials produced at the plant and concrete delivery trucks. The expanded batch plant will be screened with solid walls and a tree row along the north, south and east property lines. The three-sided material storage building located along Old Highway 215 would increase in length from 195 feet to 286 feet. The proposal will not increase daily production beyond what was originally approved for Conditional Use Permit PA06-0179 by the Planning Commission on August 14, 2008.**

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**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
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

**CONDITIONS OF APPROVAL  
AMENDED CONDITIONAL PERMIT P10-031  
PAGE 2 OF 26**

The batch plant is a replacement for the existing Robertson's batch plant on Day Street in the City of Moreno Valley, with both central mixer (wet) and traditional transit-mix (dry) plants. Batch plant site improvements include silos, a central mixer, aggregate bins, conveyors, a two-story office building, an underground diesel storage tank, on-site circulation and parking, and a detention/infiltration basin. A three-sided concrete tilt-up structure resembling nearby warehouse buildings will contain on-site aggregate and sand storage. Upon construction and start-up of the proposed facility, the existing plant on Day Street will be decommissioned and site improvements demolished. Violation of conditions of approval or Municipal Code provisions may result in revocation of the Conditional Use Permit.

- P2. The prior approval of Plot Plan PA06-0180 for a self storage warehouse is rescinded.**
- P3. The height of finished product that is stored in piles at the project shall not exceed 25 feet and shall be stored no closer than 30 feet from any property line.**
- P4. A raised landscape planter shall be installed along the material storage building's Old Highway 215 frontage.**
- P5. Any change or modification to site improvements or activities that would alter this characteristic of the approved development shall require separate approval.**
- P6. This project is located within the Air Installation Compatible Use overlay district (AICUZ). The limited intensity of employment and customer activity for these uses is a consideration in the determination of compatibility with the AICUZ overlay district. Any change or modification to site improvements or activities that would alter these characteristics of the approved development shall require separate approval.**
- P7. Consistent with the original approval for Conditional Use Permit PA06-0179, the approval for the expanded batch plant site includes a variance for the front yard setback, allowing a reduced setback of 13 feet where 20 feet is required.**
- P8. (BP) Prior to issuance of a building permit, the site plan shall be revised to include landscape/planter areas wrapping around the northwest and southwest corners of the material storage building.**

**CONDITIONS OF APPROVAL  
AMENDED CONDITIONAL PERMIT P10-031  
PAGE 3 OF 26**

- P9. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
- P10. In the event the batch plant use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. (MC 9.02.260)
- P11. The site shall be developed in accordance with the approved plans on file in the Community & Economic Development Department – Planning Division, the Municipal Code regulations, 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. (MC 9.14.020)
- P12. South Coast Air Quality Management District permits for the batch plant shall be maintained in good standing. Current, active permits shall be maintained on the batch plant site and shall be available for review upon request.**
- P13. All materials, supplies, equipment and trucks on the batch plant site shall be stored within enclosed buildings, enclosed storage areas, or otherwise screened from public view. This condition does not preclude open driveway entrances and exits; however, the width of such openings shall be the minimum necessary to accommodate safe movement of site equipment and emergency vehicles.**
- P14. No barbed wire or razor wire shall be used for the facility, unless otherwise approved by the Planning Official.**
- P15. Mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)**
- P16. Plot Plan 1823 for the existing Day Street batch plant will be rescinded upon start of operations at the new Old I-215 Frontage Road plant. Under no circumstances shall both plants operate concurrently.**

**CONDITIONS OF APPROVAL  
AMENDED CONDITIONAL PERMIT P10-031  
PAGE 4 OF 26**

- P17. Demolition of the existing Day Street batch plant shall commence within 30 days of start of operations at the new Old I-215 Frontage Road plant. Existing batch plant improvements and stockpiled materials shall be completely removed from the existing Day Street batch plant within 90 days of start of operations at the new Old I-215 Frontage Road plant. Upon completion of demolition activity, the abandoned Day Street site shall be maintained in a manner that provides for the control of weeds, erosion and dust.**
- P18. The Community & Economic Development Director and the City Engineer may allow improvements to be completed in stages (phasing) provided that the improvements necessary to adequately serve or mitigate the impacts of each phase of development are completed prior to issuance of a Certificate of Occupancy for that phase. (MC 9.08.220)
- P19. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department – Planning Division. (MC 9.12.020)
- P20. 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 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 might be those of a Native American, the California Native American Heritage Commission and appropriate tribal representatives shall be notified. Appropriate measures as provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA)
- P21. Any undeveloped portion of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P22. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P23. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

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Prior to Approval of Grading Plans (GP)

- P24.** Grading plans shall reflect measures for construction-period dust control in accordance with South Coast Air Quality Management District regulations (as detailed in Table 5 of the Giroux & Associates Air Quality Impact Analysis dated July 7, 2008 and the Mitigation Monitoring Program). Substitute measures, if any, shall be of equivalent effectiveness, with recommendation from a qualified air quality specialist and subject to review and approval by the Planning Official. (See MM Air #1 in the MMP)
- P25.** Grading plans shall reflect use of particulate filters for on-site diesel construction equipment. The applicant shall provide written certification of compliance with this requirement before start of grading, with provisions for continuous enforcement throughout construction. (See MM Air #4 in the MMP)
- P26.** The developer shall submit wall/fence plans to the Planning Division for review and approval. **Retaining components of perimeter walls shall be constructed of decorative materials consistent with the approved architectural design.**
- P27.** Plans for any security gate system shall be submitted to the Community Development Department – Planning Division for review and approval.
- P28.** The applicant shall provide certification of completion of remediation measures as recommended in the Phase I site investigation (Stantec Consulting, December 2006 and April 2007). The certification shall be prepared in writing by a qualified hazardous materials specialist and shall be provided to the Planning Division and the Public Works Department - Land Development Division. (Ord, CEQA) (See MM Hazards #1 in the MMP)
- P29.** 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 Standards, and include required street trees. A drought tolerant, low water consuming landscape palette shall be utilized. **Plans shall include:**
- a.** a dense screen of fast-growing, evergreen trees within the landscape planter on the north side of the northernmost driveway to provide effective screening of the batch plant equipment (selected species and planting stock size shall provide full screening within 5 years);
  - b.** evergreen vines on the exterior face of the perimeter wall along the south and east boundaries of the batch plant site; and
  - c.** evergreen trees along the interior of the south (adjacent to the detention/infiltration basin) and east perimeter walls on the batch plant site.

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- P30. Prior to approval of precise grading plans, the location of required trash receptacle enclosures shall be approved by the Community & Economic Development Department – Planning Division. The design shall comply with City standards and be architecturally integrated with the project. (MC 9.08.150, DG)
- P31. Prior to approval of precise grading plans, all site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.

Prior to Issuance of Building Permits (BP)

- P32. The applicant shall provide evidence of approved South Coast Air Quality Management District Permits to Construct for the batch plant.**
- P33. Building plans shall reflect use of neutral colored materials/coatings for mechanical equipment.**
- P34. Plans shall reflect measures to reduce VOC emissions from coating applications as detailed in the Giroux & Associates Air Quality Impact Analysis dated July 7, 2008 and the Mitigation Monitoring Program (including use of pre-coated building materials, high transfer efficiency application methods, use of super-compliant coatings, application of a maximum of 11 gallons of coating per day, avoiding painting during peak smog season, recycling left-over paint and empty cans, and general good-housekeeping practices for handling materials and clean-up). (See MM's Air #2 and #3 in the MMP)**
- P35. The applicant shall provide evidence that March Air Reserve Base representatives have reviewed and approved the plans as related to material reflectivity, lighting, and use of combustible/flammable/explosive materials. Please contact the Base Civil Engineer's office at (951) 655-7216.**
- P36. The Community & Economic Development Department – Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and backflow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); backflow preventers shall be screened by landscaping that will provide complete screening upon maturity. (DG)
- P37. Screening details for roof top equipment shall be submitted for Community & Economic Development Department – Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. (GP Objective 43.6, DG)

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- P38. Screening details for trash enclosures shall be submitted for Community & Economic Development Department - Planning Division review and approval. Where visible from public view, landscaping shall be included on at least three sides. Construction materials and finishes, including roofing, shall be compatible with the architecture for the development. (GP Objective 43.6, DG)
- P39. Two copies of a detailed, computer generated, point-by-point lighting plan, including exterior building, parking lot, and landscaping lighting shall be submitted to the Community & Economic Development Department – Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer’s specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. **Light fixtures shall be of full cut-off design** and shall be installed in such a manner so that light levels do not exceed 0.5 foot candles beyond the property line. **Lighting plans shall also be subject to review by officials operating the airfield at March ARB/March Inland Port.** (MC 9.08.100, DG)
- P40. The developer or developer's successor-in-interest shall pay all applicable fees, including but not limited to Development Impact Fees (DIF), Transportation Uniform Mitigation Fees (TUMF), Multiple Species Habitat Conservation Plan (MSHCP) fees, and park in-lieu fees. (Ord)

Prior to Occupancy Release

- P41. **(CO) Prior to occupancy release for the batch plant, the applicant shall provide evidence of approved South Coast Air Quality Management District Permits to Operate.**
- P42. **Batch plant site operation provisions related to reduction of air emissions shall be included in plant operation and training materials (includes use of a certified low PM<sub>10</sub> sweeper truck for in-plant truck travel surfaces, use of a certified low PM<sub>10</sub> sweeper truck at plant access drives and along Old I-215 Frontage Road, washing of in-plant travel surfaces, washing of truck load-out, watering of material as it is loaded, and watering of stockpiles, as detailed in the Giroux & Associates Air Quality Impact Analysis dated July 7, 2008 and the Mitigation Monitoring Program). Relevant operation and training materials shall be provided for City review and approval prior to occupancy release for the batch plant. Training materials including the approved measures, and any associated monitoring records, shall be maintained on the plant site, and shall be available for inspection upon request. (See MM Air #5 in the MMP)**
- P43. **The applicant shall provide written certification of compliance with provisions of Condition P35 related to architectural coatings. (See MM Air #3 in the MMP)**

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- P44. All landscaping and irrigation, including street trees and slope plantings, shall be installed per the approved plans on file in the Community & Economic Development Department – Planning Division.
- P45. Fences and walls shall be constructed per the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070)
- P46. An avigation easement shall be executed in favor of the Department of the Air Force and March Joint Powers Authority. Forms and instructions are available at [www.marchjpa.com](http://www.marchjpa.com).**

**Building and Safety Division**

- B1. The project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other City ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building and Safety Division as a separate submittal.
- B2. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include “as built” plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.
- B3. All projects that will be serviced by a private sewage disposal system shall obtain approval from the Riverside County Environmental Health Department prior to submitting plans to the Building and Safety Division.
- B4. 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 part of the building or demolition permit process.

**SCHOOL DISTRICT**

- S1. Prior to issuance of building permits, the applicant 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.



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**UNITED STATES POSTAL SERVICE**

PO1. Prior to the issuance of building permits, the applicant shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

**FIRE PREVENTION BUREAU**

- 1. There shall be no blocking of the fire lane at any time. This shall include operations that may leave a vehicle unattended for any period of time. The minimum 24' shall be kept clear at all times.**
- 2. The following Standard Conditions shall apply, additional Special Conditions shown in Bold.**

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. 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.
- F2. 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 B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 1500 GPM for 3 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 508.3, Appendix B and MVMC 8.36.100 Section D). **The fire flow GPM may be reduced by installing fire sprinklers throughout the facility. This request shall be made in writing.**
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 1/2" ) and super enhanced fire hydrants (6" x 4" x 4" x 2 1/2" ) shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

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- F4. 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)
- F5. (BP) 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. (MVMC 8.36.050 and CFC 501.3)
- 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 MVMC 8.36.050 Section A)
- F7. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the twenty-four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)
- F8. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)
- F9. 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 and MVMC 8.36.050 Section A)
- F10. 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 501.3 and MVMC 8.36.050)
- F11. 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 and MVMC 8.36.050)
- F12. (BP) 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. (BP) 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

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- 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 Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

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 508.1 and MVMC 8.36.100)

- F14. (CO) 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 510.1)
- F15. (CO) Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)
- F16. (CO) 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)
- F17. (CO) Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)
- F18. (CO) 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. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be

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- electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
- F19. (CO) Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)
- F20. (CO) Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5)
- F21. (CO) Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- F22. (BP) 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 8.36.050)
- F23. 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.
- F24. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of

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the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

- F25. 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 14)
- F26. (CO) Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:
- a) Storage and use areas;
  - b) Maximum amount of each material stored or used in each area;
  - c) Range of container sizes;
  - d) Locations of emergency isolation and mitigation valves and devices;
  - e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
  - f) On and off positions of valves for valves which are of the self-indicating type;
  - g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
  - h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

- F27. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)
- F28. 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 106)
- F29. 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

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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 106)

- F30. 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 104)
- F31. 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 102.7)
- F32. 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 Appendix Chapter 1)
- F33. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F34. (CO) Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F35. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

**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.

**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

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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 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 conditional use permit 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) 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.

- LD5. (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).

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LD6. (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.

Prior to Grading Plan Approval or Grading Permit

LD7. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD8. (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.

LD9. (GPA) Prior to 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.

LD10. (GPA) Prior to approval of the grading plans for projects that will result in discharges



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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.

LD11. (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 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.

LD12. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, 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

LD13. (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) in Microsoft Word format prior to grading plan approval.

LD14. (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

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incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

- LD15. (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.
- LD16. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD17. (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.
- LD18. (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. Upon approval, a 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.
- LD19. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading is proposed to take place outside of the project boundaries.
- LD20. (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)
- LD21. (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.
- LD22. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Improvement Plan Approval or Construction Permit

- LD23. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

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- LD24. (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)
- LD25. (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.
- LD26. (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.
- LD27. (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 permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD28. (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.
- LD29. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.
- LD30. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

- LD31. (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. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of permit issuance. 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.

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- i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
  - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
- b. Notify Special Districts Division of the intent to obtain a building permit 90 days prior to the City's issuance of a building permit and the financial option selected. (California Government Code & Municipal Code)

LD32. (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.

LD33. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

- a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
- b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
- c. The vendor(s) that the applicant proposes to use to haul the materials.
- d. Facility(s) the materials will be hauled to, and their expected diversion rates.
- e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

Prior to Certificate of Occupancy

LD34. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD35. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City

**CONDITIONS OF APPROVAL  
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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: sidewalks, drive approaches, under sidewalk drains, landscaping.
- b. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

LD36. (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)

LD37. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

**SPECIAL CONDITIONS**

LD38. (GP) Prior to grading plan approval, the following shall be shown on the plans and dedications made, via separate instrument and submitted to the City for review and approval: **A 4-foot pedestrian right-of-way dedication behind any Robertson Ready Mix driveway approaches per City Standard 118C, along the project frontage.**

LD39. 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. The developer acknowledges that the current site plan and preliminary drainage study is based on the assumption that the adjacent parcels, most specifically Parcels 3 and 4 of TPM 33152, would be constructed prior to this project being developed. In the event that this project constructs first and/or if there are tributary off-site flows, this project must handle any off-site drainage in a manner acceptable to the City and as approved by the City Engineer, with supporting drainage reports and design features.

LD40. Prior to rough grading plan approval, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition.

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The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

- LD41.** Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show all driveway approaches to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 35 feet and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be 4' wide pedestrian sidewalk area at 2% maximum behind the conventional right-of-way. If the developer wishes to construct a modified City Standard No. 118C driveway approach with different criteria than that described above, the developer shall submit an alternate design to the City for review and consideration.
- LD42.** Prior to precise grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, an emergency spillway in the basin and an emergency overflow at any sump inlet location.
- LD43.** Prior to building permit issuance, the applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way along project frontage. The applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards.
- LD44.** Prior to rough grading plan approval, the applicant shall submit for review and approval a Lot Line Adjustment for the purpose of eliminating the common lot line between Parcel 1 (APN 297-100-068) and Parcel 2 (APN 297-100-069).
- LD45.** Applicant shall submit to the City's Land Development Division, two hard-copy Amended P-WQMP documents with original owner certifications and notarizations, which are also stamped and wet-signed by a Registered Civil Engineer.
- LD46.** The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP) for P10-031 Robertson's Moreno Valley Concrete Batch Plant. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs;

and sources of funding for BMP implementation.

- LD47. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters. Project POC include: Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses). Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs.**
- LD48. Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate an infiltration basin as the Treatment Control BMP. Final design details of the infiltration basin must be provided in the first submittal of the FWQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. 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.**
- LD49. The applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.**
- LD50. The applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:**
- a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;**
  - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;**
  - c. That the applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and**
  - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.**

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**Special Districts Division**

**Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering.** All other conditions are standard to all or most development projects.

**Acknowledgement of Conditions**

The following items are Special Districts' Conditions of Approval for project **P10-031**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' 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 Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

- SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services), C (Arterial Street Lighting), and Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.
- SD2. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.
- SD3. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) 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 developer 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 Special Districts of intent to request building permits 90 days prior to their issuance. (California Government Code)
- SD4. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project for parcels not located within the boundaries of the Edgemont CSD. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.



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SD5. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development for parcels not located within the boundaries of the Edgemont CSD. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee

**Transportation Engineering Division**

**Prior to Improvement Plan Approval or Construction Permit**

- TE1. The driveways shall conform to Section 9.16.250, and Table 9.16.250A of the City's Municipal Code - Design Guidelines. The driveways shall be Commercial type per City of Moreno Valley Standard No. 118C. Driveways for the concrete batch plant site shall have 35' radii.
- TE2. Sight distance at driveways and on streets shall conform to City of Moreno Valley Standard No. 125 and 126 at the time of preparation of final grading, landscape, and street improvements.

**Prior to Certificate of Occupancy or Building Final**

- TE3. (CO) Prior to the issuance of a certificate of occupancy, the project applicant shall install "Do Not Enter" signs facing Old 215 Frontage Road at the northern exit-only driveway.
- TE4. (CO) Prior to issuance of a certificate of occupancy, any gates installed across the driveways shall be located a minimum of 60 feet from the back of sidewalk.

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**POLICE DEPARTMENT**

- 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. (MC 9.08.080)
- PD2. 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. 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)
- PD4. Addresses are to be in plain view, visible from the street and visible at night.
- PD5. All rear exterior doors should have an overhead, low sodium light, or comparable.
- PD6. Exterior lights shall be installed and strategically placed throughout the site. Lighting should be adequate to insure a safe environment for customers and employees.
- PD7. Shrubbery near the exterior of the building should not exceed 4 feet in height and should be planted so as to retain visibility of the front of the building and walkways.
- PD8. Trees which exceed 20 feet in height should be maintained to provide 7 feet of clearance between ground level and the bottom of the canopy.
- PD9. A monument address is to be located in front of the main entrance.



**ADDENDMUM TO MITIGATED NEGATIVE DECLARATION  
INITIAL STUDY/  
ENVIRONMENTAL CHECKLIST FORM  
CITY OF MORENO VALLEY**

- 1. Project Title:** Robertson's Ready Mix Concrete Batch Plant Relocation  
  
Proposed Project: P10-031 (Amended Conditional Use Permit)  
  
Original Project: (PA06-0179, P08-017) and Absolute Self-storage (PA06-0180)
- 2. Lead Agency Name and Address:** City of Moreno Valley  
Community & Economic Development Department  
14177 Fredrick Street  
Moreno Valley, California 92552-0805
- 3. Contact Person and Phone Number:** Jeff Bradshaw, Associate Planner  
(951) 413-3224  
~~Kathleen Dale, Associate Planner~~  
~~(951) 413-3228~~
- 4. Project Location:** East of Old 215 Frontage Road, approximately 1,100 feet south of Alessandro Boulevard
- 5. Project Sponsor's Name and Address:** Robertson's Ready Mix (Contact: Christine Goeyvaerts)  
P.O. Box 3600  
Corona, California 92878
- 6. General Plan Designation:** Business Park/Industrial
- 7. Zoning:** Industrial with Air Installation Compatible Use Zone (AICUZ) Overlay District
- 8. Description of the Project:**

The site for the proposed project is located in the western portion of the City of Moreno Valley. Regional access to the project site is provided via Interstate 215 (I-215), with travel distances of less than one-half mile to either the Cactus Avenue or Alessandro Boulevard interchanges. The approximately six-acre site consists of vacant land that has been used for storage of construction equipment in conjunction with an auction business occupying a larger contiguous holding. The project site is shown in its regional setting in Figure 1 and in its local setting in Figure 2 (figures are provided at end of document).

The proposed project involves two components. Amended Conditional Use Permit P10-031 would expand an approved concrete batch plant onto an adjoining parcel that was previously approved for a self-storage warehouse facility. The proposal would increase the concrete batch plant site from 2.05 acres to 5.1 acres. The expanded site will be utilized to store concrete delivery trucks and materials produced at the plant. The proposal would screen the batch plant storage area with solid walls and a tree row along the north, south and east property lines. The three-sided material storage building located along Old Highway 215 would increase in length from 195 feet to 286 feet. The proposal will not increase daily production beyond what was originally approved by the Planning Commission on August 14, 2008.

This is a batch plant for manufacture of ready mix concrete. The batch plant is a replacement for the existing Robertson's batch plant on Day Street in the City of Moreno Valley and proposes both central mixer (wet) and traditional transit-mix (dry) plants. The wet plant weighs raw materials into an enclosed drum mixer, mixes thoroughly, and then transfers the mixed product to the drum truck. The dry plant weighs raw materials directly into the drum truck for mixing on the way to the job site. The wet plant is used for the majority of output, with the dry plant serving for emergency back-up and specialty mixes. Proposed batch plant site improvements include silos, a central mixer, aggregate bins, conveyors, a two-story office building, an underground diesel storage tank, on-site circulation and parking, and a detention/infiltration basin. A three-sided concrete tilt-up structure resembling nearby warehouse buildings will contain on-site aggregate and sand storage. Upon construction and start-up of the proposed facility, the existing plant on Day Street will be decommissioned and site improvements demolished. Construction and operation of the proposed batch plant will be subject to permitting by the South Coast Air Quality Management District.

Based upon operation records at the existing Day Street facility, the proposed batch plant is expected to generate a total of 444 truck trips per day, including 277 round trips per day by drum trucks, 142 round trips per day by haul trucks (double bin), and 25 round trips per day for cement deliveries. Operations run 24 hours per day, 7 days a week, with most deliveries occurring between 3:00 AM and 7:00 PM. Material deliveries typically occur at night. On-site staff consists of the plant manager and one assistant. The plant will also employ approximately 40 to 50 drivers. Visitors are infrequent.

Requested approvals for the batch plant project include a variance for reduction of the required front yard setback. An existing high pressure gas line runs parallel to Old 215 Frontage Road across the western portion of the site. To accommodate placement of the proposed materials storage structure along the site frontage (screening the interior of the batch plant site), a reduced setback of 13 feet is requested (where 20 feet is required). With the parkway component of the street improvements, the landscape element in front of the proposed materials storage structure would be 19 feet deep. The Amended CUP has been designed for consistency with the originally approved variance.

~~The self storage facility proposes approximately 690 units in seven, one and two story buildings (approximately 99,000 square feet total building area) with an office and caretaker's residence. This aspect of the proposed project is designed as an integral aspect of the overall site design, and is intended to screen the batch plant.~~

The layout for the facility includes approximately 0.8 acres of land that is currently part of Old 215 Frontage Road, and that is to be vacated under approved Parcel Map 33152.

The proposed approved batch plant is a conditionally permitted use under the existing Business Park/Industrial General Plan land use designation, Industrial zoning district, and Air Installation Compatible Use Overlay Zone. ~~The proposed self storage warehouse is permitted as a matter of right.~~

## **9. Surrounding Land Uses and Setting:**

The surrounding area is characterized by established and developing industrial uses. The vacant, industrially-designated land to the west across Old 215 Frontage Road is within unincorporated County territory where development is under the jurisdiction of the March Joint Powers Authority. Adjoining lands to the north and east are within the approved Gateway Business Park project, an approximately 20-acre development of 16 industrial and business park buildings totaling approximately 250,000 square feet of building area, as approved. A mix of older commercial uses and non-conforming residential uses are located to the north beyond the Gateway site, along Alessandro Boulevard. The adjoining site on the south is vacant, with industrial zoning and no pending or approved development entitlements. March Air Reserve Base is located approximately 0.3 miles to the south, south of Cactus Avenue. Figure 3 is an aerial photograph depicting existing conditions in the project area.

**10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).**

Eastern Municipal Water District  
South Coast Air Quality Management District

**11. Supporting Documentation Used in Preparation of Initial Study:**

The following technical documents were used in the preparation of this initial study. These documents are available for review at Moreno Valley City Hall, 14177 Fredrick Street, Moreno Valley, California 92552-0805; please ask for the Planning Division for assistance.

Academy Consulting Corporation, *Preliminary Geotechnical Soils Evaluation, Project Number 0612-3255-F*, January 25, 2007.

Academy Consulting Corporation, *Preliminary Geotechnical Soils Evaluation, Project Number 0612-3256-F*, January 18, 2007.

Academy Consulting Engineering, Inc., *Limited Infiltration Rate Feasibility Study, Project Number 0705-3255-P*, May 14, 2007.

Academy Consulting Engineering, Inc., *Limited Infiltration Rate Feasibility Study, Project Number 0705-3256-P*, May 14, 2007.

California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005.

California Department of Conservation Farmland Mapping and Monitoring Program, *Riverside County Important Farmland, 2004 (Wall Map)*, published November 2005

CH2MHill, *Part 77, March ARB, Airport Influence Area, County of Riverside (Wall Map)*, Undated.

Gabel, Cook & Associates, Inc., *Preliminary Hydrology Study for Concrete Batch Plant and Proposed Absolute Self-storage Facility*, May 7, 2008.

Gabel, Cook & Associates, Inc., *Project Specific Preliminary Water Quality Control Plan for Absolute Self-storage*, February 26, 2008.

Gabel, Cook & Associates, Inc., *Project Specific Preliminary Water Quality Control Plan for Robertson's Ready Mix*, February 26, 2008.

Giroux & Associates, *Air Quality Impact Analysis, Moreno Valley Batch Plant & Self-storage Facility, City of Moreno Valley, California, Report Number 07-056A*, July 7, 2008.

Mestre Greve Associates, *Interior Noise Analysis for Absolute Self-storage, Report Number 07-99.B*, July 11, 2008.

Department of the Air Force, Air Force Reserve Command, *Air Installation Compatibility Use Zone Study for March Air Reserve Base*, August 2005.

South Coast Air Quality Management District, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.

Stantec Consulting, Inc., *Phase 1 Environmental Site Assessment, Gateway Business Park 25.47 Gross Acres at the SE Corner of Old 215 Frontage Road and Alessandro Boulevard in the City of Moreno Valley and Unincorporated Riverside County, California*, December 14, 2006.

Stantec Consulting, Inc., *Letter regarding Phase 1 Environmental Site Assessment, Gateway Business Park 25.47 Gross Acres at the SE Corner of Old 215 Frontage Road and Alessandro Boulevard in the City of Moreno Valley and Unincorporated Riverside County, California*, April 25, 2007.

**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		Hazards & Hazardous Materials		Public Services
	Agricultural Resources		Hydrology/Water Quality		Recreation
	Air Quality		Land Use/Planning		Transportation/Traffic
	Biological Resources		Mineral Resources		Utilities/Service Systems
	Cultural Resources		Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

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.	<b>X</b>
I find that the proposed project COULD NOT have a significant effect on the environment, and an Addendum to the Negative Declaration has been prepared pursuant to Section 15164 of the California Environmental Quality Act Guidelines as only minor technical changes or additions are required. None of the conditions described in Section 15162 of the Guidelines that call for preparation of a subsequent Negative Declaration have occurred.	<b>X</b>
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 \_\_\_\_\_ Date February 10, 2011

Printed Name Jeff Bradshaw, Associate Planner For Planning Commission

## 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 Section 17, “Earlier Analysis,” 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 I (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.

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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<b>1. AESTHETICS.</b> Would the project:				
<b>a) Have a substantial adverse effect on a scenic vista?</b>				X
The project site is in an area characterized by level terrain and developing industrial uses near March Air Reserve Base/Inland Port. There is no potential for substantial adverse effects on scenic vistas at this location.				
<b>b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?</b>				X
The project site does not contain trees, rock outcroppings or structures. The site is not visible from a state designated scenic highway.				
<b>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</b>				X
The project site is located at the western edge of the City, near a major entry point on Alessandro Boulevard and at the interface with neighboring jurisdictions including the County of Riverside, the City of Riverside and March Joint Powers Authority. Project design has purposefully considered screening of batch plant equipment and operations. The batch plant frontage is proposed to be occupied by a 35-foot-tall tilt-up concrete structure finished to appear as a warehouse building typical of development in the area. On the interior of the plant, this structure provides contained storage for sand and aggregate. <del>The self storage facility wraps around the north and east boundaries of the batch plant site, with two-story structures and</del> Landscaping to include tree rows and perimeter walls provides screening of the batch plant from views from the north and northwest, south and east (See Figures for perspectives of the proposed batch plant screening). A perimeter wall completes the south plant site boundary. <u>Revised site plan includes over 868 lineal feet of 12' and 18' concrete perimeter wall to further mitigate aesthetic impacts. Along the perimeter walls evergreen climbing vines and additional trees will be planted to add to the aesthetic value and enhance screening. Walls along the Old Frontage Road will be accented with planters and planted with trees and plants to maximize the aesthetic visual impact and will be further accented by a glass façade.</u> Proposed colors and materials for the batch plant <del>and the self storage</del> are complimentary with the approved colors and materials for the adjacent Gateway Business Park. Batch plant equipment is to be finished with a neutral color compatible with improvements on the balance of the site. Project conditions of approval require City review and approval of detailed landscaping plans, wall plans and building plans prior to development of the site. Established City procedures for plan check, permit issuance, and construction inspection ensure implementation in accordance with the approved design and conditions of approval.				
<b>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</b>				X
The proposed project would introduce new sources of light to provide for safety and security within the plant site. Project conditions of approval require that all lighting fixtures are designed to reduce nighttime glare in the vicinity of the March ARB/Inland Port flight line. Project conditions of approval require City review and approval of detailed lighting plans prior to development of the site. Established City procedures for plan check, permit issuance, and construction inspection ensure implementation in accordance with the approved design and conditions of approval.				
<b>2. AGRICULTURE RESOURCES:</b> 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?				
<b>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?</b>				X
The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the official farmland maps.				



<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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<b>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</b>				X
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The project site is not zoned for an agricultural use, nor is it under a Williamson Act contract.

<b>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?</b>				X
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There are no agricultural uses on the project site or in the surrounding area. Considering existing conditions in the project vicinity, the proposed project does not present the potential for changes in the environment that would result in conversion of Farmland to a non-agricultural use.

**3. 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:

<b>a) Conflict with or obstruct implementation of the applicable air quality plan?</b>				X
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An Air Quality Impact Analysis, dated July 7, 2008, was prepared by Giroux & Associates. The following responses are summarized from the Air Quality Impact Analysis, which is available for review at the City's Planning Division.

The project site is located within the South Coast Air Basin (Basin). The South Coast Air Quality Management District (SCAQMD) is principally responsible for comprehensive air pollution control in the Basin. The SCAQMD has adopted a series of Air Quality Management Plans (AQMPs) to meet the state and federal ambient air quality standards. The most recent version of the AQMP was adopted in June 2007. The Air Quality Impact Analysis provides a detailed discussion of the regulatory setting for the Basin and the SCAQMD AQMP.

The proposed project would generate pollutant emissions from construction activities consisting of site preparation and grading, construction of the proposed batch plant ~~and self-storage warehouse~~, travel by construction workers to and from the project site, delivery and hauling of construction materials to and from the project site, fuel combustion by on-site construction equipment, paving, application of architectural coatings, and demolition of improvements at the existing Day Street batch plant site. The analysis of short-term construction-related emissions in the Air Quality Impact Analysis documents that project-related emissions are below recommended SCAQMD thresholds (highest value is 45 percent of the corresponding threshold) and supports a conclusion that the proposed project would not contribute to the exceedance of any air pollutant concentration standards.

As a replacement facility, operation of the batch plant will not result in new regional emissions. Even so, the proposed concrete batch plant operation will be subject to SCAQMD permitting, which requires a determination that the project would not conflict with or obstruct implementation of the SCAQMD AQMP. ~~The self-storage warehouse use by its nature involves limited emissions due to on-site power consumption in the office and caretaker's residence and limited trip generation by employees and customers.~~ The analysis of operation-related emissions in the Air Quality Impact Analysis documents that project-related emissions are below recommended SCAQMD thresholds (highest value is 19 percent of the corresponding threshold) and supports a conclusion that the proposed project would not contribute to the exceedance of any air pollutant concentration standards.

<b>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.</b>				X
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The South Coast Air Basin is in non-attainment status for the following criteria pollutants: ozone, carbon monoxide (CO), and particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>). The proposed project will contribute emissions of criteria pollutants during both the construction and operation phases. Pollutants will be emitted by construction equipment and fugitive dust will be generated during site preparation and construction activities. ~~"New" long term operational emissions generated by the proposed project will be from motor vehicles associated with the self-storage warehouse.~~

The project-level air quality assessment evaluated project emissions for both the construction and operation phases and considered both regional and localized thresholds as recommended by SCAQMD. Analysis of emissions for the construction phase considered criteria pollutant emissions (VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>). While projected emissions for the construction phase do not exceed applicable SCAQMD thresholds (highest value is 45 percent of the corresponding threshold), modeling assumptions and City conditions of approval for the project include application of Best Available Control Measures (BACM) for dust control (frequent watering of disturbed surfaces, watering of imported

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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fill as it is unloaded, application of soil stabilizers, gravel or pavement to stabilize construction entrances and parking/staging areas, reduced vehicle speeds on unpaved surfaces, installation of perimeter wind fencing, and sweeping of visible track-out) to reduce particulate emissions during the grading operation as required under SCAQMD Rules 401 and 403. To reduce emissions from architectural coatings, modeling assumptions (maximum of 11 gallons per day application of material with a VOC content of 2.8 pounds per gallon) and standard practices required under SCAQMD Rule 1113 (use of pre-coated building materials, use of high-efficiency application methods, avoiding applications during summer months, and good housekeeping practices) are also reflected in the project conditions of approval. To reduce impacts from construction vehicle exhaust, on-site diesel equipment will be required to use particulate filters where feasible. Established City procedures for plan check, permit issuance, and construction inspection ensure implementation in accordance with the approved design and conditions of approval.

For the operation phase, the air quality analysis considered regional criteria pollutant emissions, localized criteria pollutant emissions, and diesel particulate emissions. As noted in item 3a, the batch plant is a replacement facility for the existing nearby operation on Day Street, approximately 1.25 miles to the northeast. As such, this aspect of the project would not produce new regional emissions. ~~Estimated emissions of criteria pollutants from operation of the self storage project consist primarily of emissions from vehicles used by employees and customers and are substantially below the SCAQMD recommended thresholds for regional emissions (highest value is 19 percent of the corresponding threshold).~~

Even though the relocated batch plant would not represent a new source of regional emissions, the plant would result in new localized emissions of fugitive dust and vehicular emissions in the immediate area of the new plant. The air quality impact analysis included evaluation of the surrounding area for the nearest residential receptors, which are a handful of non-conforming residences along Alessandro Boulevard, approximately 1,200 feet north of the proposed plant site. Taking into consideration the siting guidance provided by SCAQMD and the California Air Resources Board, these existing homes are located beyond the recommended 1,000 foot separation (for operations with 100 or more trucks per day), are also upwind of the proposed batch plant, and are removed from the primary truck routes (to I-215 west of the plant site). For these reasons, a health risk assessment for potential impacts to the nearest residential uses was not conducted.

Operation phase impact evaluation considered both Localized Significance Thresholds for PM<sub>10</sub>, CO, and NO<sub>x</sub> and a health risk assessment for worker exposure to diesel particulates. ~~Considering the typical occupancy characteristics for the self storage caretaker's residence, this aspect of the project is treated as an occupational exposure for the health risk assessment.~~

Estimation of operational particulate emissions included sources from aggregate conveying, silo loading, weigh hopper loading, central mixer charging, storage pile loading, wind erosion, in-plant vehicle travel, and vehicle exhaust. For localized impacts for CO and NO<sub>x</sub>, estimated emissions affecting both workers and the nearest residences are less than one percent of the corresponding thresholds. For PM<sub>10</sub>, the evaluation is limited to the nearest residences (the corresponding standard is a 24-hour average and, therefore, not applicable to the more limited duration of worker exposure), with the projected concentration at 2.3 µg/m<sup>3</sup> (daily), below the corresponding threshold of 2.5 µg/m<sup>3</sup>. ~~While not required as mitigation, it is noted that project improvements include installation of an enhanced filtration system for the HVAC systems for the office and caretaker's residence at the self-storage facility.~~

Based upon projected diesel particulate emissions derived from a SCREEN3 analysis, the proposed batch plant operation is estimated to produce a worst-case occupational exposure individual cancer risk of 1.4 in one million. This is well below the SCAQMD threshold of 10 in one million and supports a conclusion that the project impact is less than significant.

While operation of the batch plant would not result in a new source of regional emissions or significant localized emissions, a number of measures are required to comply with SCAQMD rules directed at reducing emissions to the lowest amounts feasible. These measures are detailed in the project conditions of approval and include annual permit renewal, auditing of emissions by SCAQMD, sweeping at the plant entrance and exit, aggregate handling methods to reduce visible dust, in-plant housekeeping to limit visible emissions from equipment moving on in-plant surfaces, and maintenance of filter vents and bag houses in good working order. Established City procedures for plan check, permit issuance, and construction inspection provide a mechanism to ensure implementation in accordance with the approved design and conditions of approval.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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<b>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)?</b>				X
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The South Coast Air Basin is in non-attainment status for ozone, carbon monoxide (CO), and particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>). CEQA Section 21100 (e) addresses evaluation of cumulative effects, allowing the use of approved land use documents in a cumulative impact analysis. CEQA Guidelines Section 15064 (h)(3) further stipulates that for an impact involving a resource that is addressed by an approved plan or mitigation program, the lead agency may determine that a project's incremental contribution is not cumulatively considerable if the project complies with the adopted plan or program. In addressing cumulative effects for air quality, the AQMP is the most appropriate document to use because the AQMP sets forth a comprehensive program that will lead the air basin, including the project area, into compliance with all federal and state air quality standards. The AQMP compliance program includes control measures and related emission reduction estimates based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments.

Since the proposed batch plant ~~and self-storage warehouse~~ is consistent with the General Plan land use designation considered in the underlying assumptions of the most recent AQMP and the project, as conditioned, would not generate significant pollutant levels on an individual basis, it is appropriate to conclude that the proposed project would not result in a cumulatively considerable increase in criteria pollutant emissions for which the basin is in non-attainment status.

<b>d) Expose sensitive receptors to substantial pollutant concentrations?</b>				X
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Sensitive receptors that may be exposed to pollutants from the proposed project consist of residents in non-conforming residential units located along Alessandro Boulevard. As noted in 3b, above, development of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.

<b>e) Create objectionable odors affecting a substantial number of people?</b>				X
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Objectionable odors are not currently noticeable on the project site. Although some construction activities would utilize materials that produce odors that would have the potential to have a localized effect on a short-term basis, the emission of objectionable odors that would affect a substantial number of people would not be anticipated. In addition, considering the nature of the proposed uses and the limited extent of residential uses in the project area, on-going operation of the proposed batch plant would not have the potential to result in objectionable odors that would affect a substantial number of people.

**4. BIOLOGICAL RESOURCES.** Would the project:

<b>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 Game or U. S. Fish and Wildlife Service?</b>				X
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The project site has been highly disturbed by previous grading activities and construction vehicle storage activities. The site is not subject to any of the species-specific survey requirements under the Western Riverside County Multiple-Species Habitat Conservation Plan.

<b>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 Game or U. S. Wildlife Service?</b>				X
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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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The project site has been highly disturbed by previous grading activities and construction vehicle storage activities. The site does not support riparian habitat or other sensitive natural communities. Project design incorporates on-site drainage improvements that will moderate downstream discharges in a manner that will not exceed current discharge rates or volumes and that will also provide improved quality of site discharges. As a result of these project features, the proposed project would not be anticipated to adversely affect any downstream resources.

<b>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?</b>				X
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The project site has been highly disturbed by previous grading activities and construction vehicle storage activities; no wetlands occur on the project site. Project design incorporates on-site drainage improvements that will moderate downstream discharges in a manner that will not exceed current discharge rates or volumes and that will also provide improved quality of site discharges. As a result of these project features, the proposed project would not be anticipated to adversely affect any downstream resources.

<b>d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</b>				X
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The majority of the project site has been highly disturbed by previous grading activities and construction vehicle storage activities. The project site does not support habitat resources providing for wildlife movement or nursery functions.

<b>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</b>				X
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There are no trees or other protected resources on the project site.

<b>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?</b>				X
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The project site is within the Reche Canyon/Badlands Area Plan of the Western Riverside County Multiple-species Habitat Conservation Plan (MSHCP). The project site is outside the plan Criteria Area, does not support protected riparian resources, and is not within the special survey areas designated under the plan for burrowing owl, narrow endemic plants, small mammals, or amphibians. The proposed project will comply with the standard City conditions of approval which provides for the collection of MSHCP fees prior to issuance of building permits. These fees provide for general support of MSHCP conservation and management programs.

The project site is also within the plan area for the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan. Plan implementation is at a stage where all reserve lands have been acquired. Project obligations under this plan are now limited to a simple fee payment that funds long-term reserve management. The proposed project will comply with the standard City condition of approval which requires payment of SKR fees prior to issuance of grading permits.

**5. CULTURAL RESOURCES.** Would the project:

<b>a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</b>				X
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The project site has been highly disturbed by previous grading and construction vehicle storage activities. Based on a review of aerial photographs dating between 1938 to 2006 in conjunction with the recent approval of the adjoining Gateway Business park project, it was determined that there are no historical resources on the project site.

<b>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</b>				X
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<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project site has been highly disturbed by previous grading and construction vehicle storage activities. General Plan EIR Figure 5.10-2 indicates that the project site is not within a sensitive area for cultural resources. Consistent with the City's standard conditions the proposed project will be subject to a "stop work" provision in the event resources are uncovered during grading.

<b>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</b>				X
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According to information developed as part of the City's General Plan, the project site is not within a sensitive area for paleontological resources. There are no unique geologic features on the project site.

<b>d) Disturb any human remains, including those interred outside of formal cemeteries?</b>				X
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There is no reasonable basis to suspect that project activities will disturb human remains.

**6. GEOLOGY AND SOILS.** Would the project:

**a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**

<b>(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.</b>				X
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According to geotechnical information developed as part of the City's General Plan and as part of the project-specific geotechnical evaluations, the project site is not on, or close to, any known earthquake fault. The nearest active fault is the San Jacinto Fault Zone located approximately 6 miles to the northeast. There is no new information that would indicate the existence of a fault or fault trace in proximity of the site. Accordingly, there is no risk of ground rupture due to faulting at the proposed project site.

<b>(ii) Strong seismic ground shaking?</b>			X	
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The project site is within a region that is susceptible to strong seismic ground shaking. The nearest known fault is the San Jacinto fault system, which is located about 6 miles to the northeast. The San Andreas fault system is located approximately 15 miles to the northeast of the site, and the Elsinore fault zone is located approximately 15 miles to the southwest of the site. Standard building code regulations require investigation of ground shaking hazards and incorporation of known engineering practices in project design to address any ground shaking hazards identified in the investigation. Established City procedures for plan check, permit issuance, and building inspection ensure incorporation of engineering recommendations in project design and construction.

<b>(iii) Seismic-related ground failure, including liquefaction?</b>			X	
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Based upon the results of the subsurface exploration conducted as part of the project-specific geotechnical evaluations, the project geotechnical engineer advises that secondary effects of seismic activity are unlikely. Considering depth to groundwater and soil densities, the geotechnical engineer's opinion is that the potential for liquefaction at this site is considered negligible.

<b>(iv) Landslides?</b>				X
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The project-specific geotechnical evaluations indicate landslides were not observed on the site and that the site is not within a landslide area.

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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<b>(b) Result in substantial soil erosion or the loss of topsoil?</b>			X	
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The proposed project has the potential to result in erosion of exposed soils during construction activities as a result of both wind and rain. Established regulatory programs of the South Coast Air Quality Management District (SCAQMD) and the California Regional Water Quality Control Board (RWQCB) require implementation of known best management practices during construction. The Stormwater Pollution Prevention Plan required for compliance with RWQCB regulations details the applicable measures, the location of application, the timing of application, and responsibility for monitoring and maintenance of erosion control measures. Established City programs for grading permit issuance and construction inspection ensure that erosion control plans are implemented during construction.

Once completed, the buildings, paving, and landscaping that would occupy the project site would establish a condition presenting negligible potential for soil erosion.

<b>(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?</b>			X	
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According to the geotechnical investigations, the project site is not located on a geologic unit that is unstable, or that would become unstable as a result of the proposed project. The geotechnical investigations did, however, recommend removal, or over excavation and re-compaction, of the upper 4 to 5 feet of site soils as part of site preparation. With the incorporation of this recommendation from the geotechnical investigations, the proposed project would not be subject to unstable soil conditions on the project site. Established City procedures for plan check, permit issuance, and building inspection ensure incorporation of these recommendations in project design and construction.

<b>(d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?</b>			X	
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According to the geotechnical investigations, the soil on the project site is considered to have "low" potential for expansion. As provided for in the conditions of approval, the project applicant must provide a soils and geologic report to City Public Works Department prior to issuance of grading permits. In the unanticipated event the report identifies expansive soils, known engineering design practices will be recommended to alleviate the potential for substantial risks to life or property. Established City plan check and permit procedures provide for incorporation of engineering recommendations in project design and construction.

<b>(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?</b>			X	
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The proposed project includes a ~~single residential unit and limited sanitary facilities for the batch plant office and self-storage office.~~ Depending upon the proximity of sewer service at the time of construction (connection is mandatory if service is available within 200 feet of the site), the project may be served by on-site septic systems. Established City procedures for plan check and building permit issuance require documentation of septic system design and adequate percolation rates prior to issuance of building permits.

**7. HAZARDS AND HAZARDOUS MATERIALS.** Would the project?

<b>a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?</b>			X	
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The manufacture of concrete primarily involves inert products – sand, gravel, and water. Transport use, and disposal of additives used in the manufacturing process, and fuel that will be stored on the site, would occur consistent with local, state, and federal requirements, and would pose a low risk of hazard.

<b>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?</b>			X	
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The project site was included within the study limits of the Phase 1 Environmental Site Assessment conducted for the adjacent Gateway Business Park project. The site evaluation and records search identified several areas of soil

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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staining within the larger Gateway Business Park survey limits and also identified conditions in the surrounding area that required further evaluation: three leaking underground storage tanks (LUSTs), former use by the military, and contaminated groundwater at March Air Reserve Base. Potential for contamination associated with the LUSTs was eliminated as a concern based upon distance from the project site, topography constraints between the LUSTs and the project site, and remediation of two of the sites in conjunction with site redevelopment.

Staff at March ARB was contacted regarding historic photographic evidence indicating use of the site by the military. Base officials were not able to identify any previous use and based on this, the site assessment concluded that there were no previous uses associated with March Air Force Base that would have caused contamination on the project site and no further investigation would be required.

As to groundwater contamination in the vicinity of March ARB, the groundwater gradient in the project area slopes to the south, supporting a finding that the presence of contaminated groundwater on the project site would not be likely and no further investigation would be required.

Finally, the site investigation identified limited areas of stained soils in the western portion of the larger Gateway Business Park, attributed to construction vehicle equipment parking in conjunction with the existing auction use. The extent of the soil staining is estimated to be less than 800 square feet, with remediation expected to entail removal of a limited number of 55-gallon drums of contaminated soil. Standard City requirements require investigation of soil conditions prior to the issuance of grading permits. Remediation would involve the removal and proper disposal of contaminated soil in conformance with Riverside County Health Department guidelines. Established City procedures for plan check and permit issuance ensure submittal of evidence of site remediation prior to initiation of grading.

See 7a, above, regarding potential for hazards associated with the proposed batch plant operation.

<b>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</b>				X
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There are no existing or proposed schools within one-quarter mile of the project site.

<b>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?</b>				X
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The project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5.

<b>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?</b>			X	
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The airfield at March ARB is operated as a joint-use airport used by military aircraft and civilian aircraft (March Joint Powers Authority, March Inland Port) and is located approximately 0.3 of a mile to the south of the project site. To promote the development of compatible land uses in the surrounding area, the Department of Defense has prepared an Air Installation Compatibility Use Zone (AICUZ) Study for March ARB. The AICUZ Study, dated August 2005, describes the location of runway clear zones, aircraft accident potential zones, and noise contours. Based on these influences, land use compatibility recommendations are provided for the area that surrounds March ARB. The project site is within the AICUZ – defined Accident Potential Zone I (APZ I), a reflection of the project location off the north end of the runway. The main objective of the AICUZ land use guidelines for APZ I is to restrict land uses involving substantial concentrations of people. General categories of acceptable land uses include industrial/manufacturing, transportation, communications and utilities, wholesale trade, open space, recreation, and agriculture.

The City of Moreno Valley has established an AICUZ Overlay Zone that reflects the recommendations of the Department of Defense AICUZ study and that provides a mechanism to ensure that uses established within the AICUZ-defined accident potential zones are consistent with AICUZ recommendations. The project site is within the AICUZ Overlay Zone. Based upon correspondence and coordination with both Air Force and Joint Powers Authority representatives, the proposed self-storage and batch plant uses are considered compatible with the AICUZ study and the overlay zone. This determination considers the low-intensity nature of employee and customer activity for these specific uses, and adherence to compatible use guidance related to lighting, height of structures, storage and use of

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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hazardous/flammable materials, use of non-reflective building materials, protection of general visibility, and noise attenuation (see related discussion of items 9b and 11a).

The project conditions of approval and established City procedures for plan check, permit issuance, and building inspection provide a mechanism to ensure that project design and construction incorporates compatible use guidance from both the AICUZ Study and the AICUZ Overlay Zone.

<b>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?</b>				X
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The project site is not located within the vicinity of a private airstrip. Refer to Response 7e, above, for a discussion of the civilian use of the airfield at March ARB/March Inland Port.

<b>g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?</b>				X
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Access to the proposed project would be provided via Alessandro Boulevard, Day Street, and Old 215 Frontage Road. The City's project review process includes routing of project plans to City Fire and Police representatives for consideration of emergency access requirements before development proposals are presented for decision-making body consideration. Access and circulation aspects of the proposed project design meet City standards for required emergency vehicle access and emergency egress of site occupants. Established City procedures for plan check, permit issuance, and construction inspection ensure project implementation is consistent with the approved design. Development of the proposed project would not impair the ability of the City to implement its emergency response plan or utilize emergency evacuation routes.

<b>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?</b>				X
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The project site is not located within or adjacent to an area subject to wildland fires.

**8. HYDROLOGY AND WATER QUALITY.** Would the project:

<b>a) Violate any water quality standards or waste discharge requirements?</b>				X
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Both project construction activities and on-going project operations are subject to established regulatory programs directed at avoiding violations of water quality standards and waste discharge requirements. Project construction activities are subject to implementation of known best management practices as detailed in the required Storm Water Pollution Prevention Plan (SWPPP). The SWPPP details the applicable measures, the location, and timing of application, and responsibility for monitoring and maintenance. Established City programs for grading permit issuance and construction inspection would ensure that the SWPPP best management practices are implemented during construction and that erosion impacts during project construction are less than significant.

For the operations phase of the proposed project, compliance with water quality standards is addressed through the water quality features and best management practices incorporated into the project design. ~~The approved preliminary design of the water quality features for the proposed project consists of an on-site system that collects run-off from the self-storage site (excluding a small area within the front setback), treats the self-storage run-off with a hydrodynamic separator, and then conveys treated run-off from the self-storage site by means of buried pipe to a detention/infiltration basin on the batch plant site. Batch plant design provides for on-site containment of site run-off (excluding a small area within the front setback) in a sump within the active batching area or within the detention/infiltration basin (which includes a segregated first-flush area for batch plant run-off). Batch plant operations take maximum advantage of the opportunity to recycle captured flows in the batching process. Project conditions of approval require a drainage easement and associated covenant to document the shared drainage and water quality facilities. Established City programs ensure implementation in accordance with the approved plans and provide for ongoing maintenance of the water quality features.~~



Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>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)?</b>				X
Eastern Municipal Water District (EMWD) will provide water to the proposed project. EMWD sources of supply consist of a combination of local groundwater resources and imported surface water. Although the proposed project would cover a majority of the site with impervious surfaces, the landscaped areas and the proposed detention/infiltration basin would provide for percolation of runoff and provide a means for continued groundwater recharge.				
<b>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?</b>				X
The proposed project would alter on-site drainage patterns through site grading and construction of a detention/infiltration basin. The site does not support any stream or river features, and the design of the on-site improvements provides for delivery of site discharges to the existing downstream discharge point at rates that are moderated so as not to exceed current discharge rates. Accordingly, the project does not present the potential to alter the course of a stream or river or result in substantial erosion or siltation on-site or off-site. Project conditions of approval and established City procedures for plan check, permit issuance, and construction inspection ensure that improvements are implemented in accordance with the approved design.				
<b>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 or surface runoff in a manner which would result in flooding on- or off site?</b>				X
The proposed project would alter on-site drainage patterns through site grading and construction of a detention/infiltration basin. The site does not support any stream or river features, and the design of the on-site improvements provides for on-site detention of runoff and moderation of discharges so as not to exceed current discharge rates. Accordingly, the project does not present the potential to alter the course of a stream or river or result in flooding on-site or off-site. Project conditions of approval and established City procedures for plan check, permit issuance, and construction inspection ensure that improvements are implemented in accordance with the approved design.				
<b>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?</b>				X
The increase in impervious surface area due to construction of the proposed batch plant <del>and self-storage</del> would increase the rate and amount of runoff from the project site. Project design includes site grading and construction of a detention/infiltration basin that have been designed to convey and detain projected runoff volumes, with discharges at the downstream discharge point moderated so as not to exceed existing volumes. As a result of these project features, the proposed project would not create or contribute runoff water which would exceed the capacity of the downstream stormwater drainage system or provide additional sources of polluted runoff to the downstream stormwater drainage system.				
<b>f) Otherwise substantially degrade water quality?</b>				X
Established programs and project features that would protect water quality are discussed in responses 6b and 8a, above. The location of the project site and the proposed land uses do not present the potential for conditions that would otherwise substantially degrade water quality.				
<b>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?</b>				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project site is not located within a 100-year flood hazard area (Flood Insurance Rate Map Panel 065074 0020B).

<b>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</b>				X
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The project site is not located within a 100-year flood hazard area (Flood Insurance Rate Map Panel 065074 0020B).

<b>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?</b>				X
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The project site is not located within a 100-year flood hazard area (Flood Insurance Rate Map Panel 065074 0020B). The project site is not located in an area subject to flood inundation due to the failure of a levee or dam.

<b>j) Inundation by seiche, tsunami, or mudflow?</b>				X
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The environmental factors presenting the risk of these hazards are not present in the project vicinity.

**9. LAND USE AND PLANNING.** Would the project:

<b>a) Physically divide an established community?</b>				X
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The proposed project will establish industrial uses of a type and intensity consistent with the existing General Plan land use designation and zoning. The location and nature of the proposed project do not present the potential to divide an established community.

<b>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?</b>			X	
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The proposed batch plant and self-storage uses are of a type and intensity consistent with the existing designations under the City of Moreno Valley General Plan and Municipal Code, including provisions related to location with respect to active aircraft uses at March Air Reserve Base/Inland Port. Site design has been subject to a staff review process to ensure conformance with various development standards embodied in the General Plan and the Municipal Code. Considering the unique site constraint presented by the existing gas line and the benefit provided by placement of the materials storage building along the batch plant site frontage, findings for the requested front set-back variance can be supported.

The project site is also within planning areas associated with March Air Reserve Base/Inland Port that are administered by the U.S Department of Defense, Department of the Air Force and the March Joint Powers Authority. The City's preliminary project review process for projects near the base includes consultation with officials of both March Air Reserve Base and the March Joint Powers Authority. Both agencies provided comments in response to the early project notification (JPA letter dated March 12, 2007, ARB letter dated February 9, 2007, and telephone conversation of November 15, 2007 with ARB representative Doug Adams). The agencies both acknowledged the site as being located within Accident Potential Zone 1 and note the objective to restrict people-intensive uses in this area. The agencies both characterize the proposed uses as generally consistent with the location in proximity to the air field, subject to conveyance of an avigation easement to ensure disclosure of the existing and future airport operations in the vicinity and confirmation that (1) structure height does not intercept protected airspace, (2) project operation will not impair visibility or otherwise interfere with operation of aircraft, (3) building materials will be non-reflective, (4) exterior lighting will be downward directed, (5) noise attenuation for office areas, (6) restriction of uses to those identified as allowable in the Air Installation Compatible Use Zone (AICUZ) study, and (7) Air Force officials will be provided an opportunity to review any use involving highly combustible materials, highly flammable materials, chemicals, or explosives. The project conditions of approval address the requirement for an avigation easement, interior noise attenuation, and items related to use of non-reflective materials, lighting, and review of hazardous/combustible materials use. Established City plan check, permit issuance, and construction inspection procedures provide a mechanism to verify implementation of the conditions of approval.

Mapping and slope ratio information provided by the Air Force indicate that structures up to 135 feet in height above the end of runway elevation of 1535 feet above mean sea level (ASL) would not penetrate protected air space at this location. At a maximum 75 feet in height above the proposed finished site elevation of 1542 feet ASL, the proposed

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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batch plant silos would be well below the lower limits of the protected air space. Established City plan check, permit issuance, and construction inspection procedures provide a mechanism to verify implementation of the project in accordance with the approved plans.

The existing AICUZ Overlay District provides for restriction of uses to those allowable under the Department of Defense AICUZ study. Regulations imposed and enforced by the South Coast Air Quality Management District with respect to visible emissions from the site address the concern with impairment of visibility for pilots using the airfield.

<b>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</b>				X
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The project site is within the Reche Canyon/Badlands Area Plan of the Western Riverside County Multiple-species Habitat Conservation Plan (MSHCP). The project site is outside the plan Criteria Area, does not support protected riparian resources, and is not within the special survey areas designated under the plan for burrowing owl, narrow endemic plants, small mammals, or amphibians. The proposed project will comply with the standard City conditions of approval which provides for the collection of MSHCP fees prior to issuance of building permits. These fees provide for general support of MSHCP conservation and management programs.

The project site is also within the plan area for the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan. Plan implementation is at a stage where all reserve lands have been acquired. Project obligations under this plan are now limited to a simple fee payment that funds long-term reserve management. The proposed project will comply with the standard City condition of approval which requires payment of SKR fees prior to issuance of grading permits.

10. **MINERAL RESOURCES.** Would the project:

<b>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?</b>				X
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<b>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?</b>				X
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(a and b) There are no designated mineral resources, active mines, or active mineral recovery programs at the site or in the surrounding area.

11. **NOISE.** Would the project result in:

<b>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?</b>		X		
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The proposed project is exposed to high noise levels due to aircraft operations at March ARB/March Inland Port and traffic on nearby Interstate 215. The proposed batch plant also presents the potential to expose occupants of the proposed batch plant office and caretaker's residence to high noise levels resulting from operation of equipment and truck traffic within the batch plant site.

A project-specific noise impact analysis was conducted to evaluate the magnitude of these potential impacts and to identify project design features required to meet the City's interior noise standard of 45 CNEL. ~~for the office and caretaker residence areas within the self-storage warehouse development. "CNEL" is a 24-hour time weighted average noise level that gives higher significance to noise occurring during evening and nighttime periods, reflecting the increased sensitivity to noise while sleeping, eating and relaxing. Considering the three sources of noise, the projected exterior noise level at the office and caretaker residence is 74.6 CNEL. Readily accomplished building upgrades involving enhanced treatments for windows, doors and attic vents are recommended to reduce interior noise levels to meet the City's 45-CNEL standard. Recommended design enhancements include attic vent baffles and dual glazed windows and doors to achieve specified noise reduction ratings (between ENWR 29 and 34) for the self-storage office and for the living room and the bedrooms within the caretaker's residence. These recommendations are included in the project conditions of approval. Established City plan check, permit issuance, and construction inspection procedures provide a mechanism to verify implementation of the project in accordance with the conditions of approval.~~

<b>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</b>				X
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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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Activities within the proposed batch plant do not involve continuous mechanical sounds or excessive vibrations that could result in exposure of persons to these conditions.

<b>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</b>		X		
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See response to item 11a.

<b>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</b>			X	
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See response to item 11a.

<b>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?</b>		X		
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March ARB/March Inland Port is located approximately 0.3 of a mile to the south of the project site. Refer to Response 11a, above, for a discussion of the potential noise impacts upon the proposed on-site offices and caretakers residence due to aircraft over flight.

<b>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?</b>				X
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The project site is not located within the vicinity of a private airstrip.

**12. POPULATION AND HOUSING.** Would the project:

<b>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)?</b>				X
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The proposed use is consistent with the established General Plan land use designation and zoning. The proposed self-storage warehouse and relocated batch plant does not present the potential to induce substantial population growth. The project would not result in extension of new roadways or other infrastructure that present the potential for growth inducement.

<b>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</b>				X
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There are no existing residential units on the project site. The proposed project does not involve any improvements that would necessitate removal of existing housing in the surrounding area.

<b>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</b>				X
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There are no existing residential units on the project site. The proposed project does not involve any improvements that would necessitate displacement of existing residents in the surrounding area.

**13. 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:

<b>a) Fire protection?</b>				X
<b>b) Police protection?</b>				X
<b>c) Schools?</b>				X
<b>d) Parks?</b>				X
<b>e) Other public facilities?</b>				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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(a-e) The various City departments and responsible outside agencies have participated in the project review process and have provided no indication that the proposed project would result in substantial adverse physical impacts associated with the provision of public services for the project site. Standard conditions of approval include City Development Impact Fees and Moreno Valley Unified School District (MVUSD) fees to address individual and cumulative impacts of development upon public services. Established City and MVUSD plan check and permit issuance procedures ensure payment of fees prior to issuance of building permits.

**14. RECREATION.**

<b>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?</b>				X
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<b>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?</b>				X
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The project site is not within an area identified for future parkland acquisitions (General Plan Figure 4-2). The City's development impact fees for non-residential construction include components for City-wide park construction and operation at a rate that has been determined to be commensurate with the burden upon such facilities as a result of the proposed project.

**15. TRANSPORTATION/TRAFFIC.** Would the project:

<b>a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</b>			X	
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<b>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</b>			X	
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(a. and b.) The type and intensity of proposed uses is consistent with existing General Plan and zoning. The proposed batch plant operation is projected to entail daily traffic operations involving 277 round trips by ready mix trucks, 142 round trips daily for gravel and sand deliveries, 25 round trips per day for cement deliveries, and 50 round trips per day for plant employees. Recognizing the existing transportation network, project improvements, and the scale of the project, the City Traffic Engineering Division determined in the course of the preliminary project review process that project-related traffic would not result in an increase in traffic load that would exceed the capacity of the street system. Project conditions of approval and established City procedures for plan check, permit issuance, and construction inspection ensure that required street improvements are implemented in accordance with the approved design.

<b>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?</b>				X
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The proposed project would not change air traffic patterns.

<b>d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?</b>				X
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The proposed project would establish new driveways on the realigned Old 215 Frontage Road. The proposed circulation system design has been evaluated and approved by City Transportation Engineering staff. There are no design features or incompatible uses that present the potential for hazards in this regard.

<b>e) Result in inadequate emergency access?</b>				X
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The proposed project as designed and conditioned is consistent with City standards. The proposed project will be readily accessible for emergency access.

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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<b>f) Result in inadequate parking capacity?</b>				X
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The proposed self storage warehouse provides on-site parking in accordance with the Municipal Code requirements of one space per 100 storage units and two spaces for the caretaker's residence. While the Municipal Code does not establish a specific parking requirement for the batch plant site, proposed on-site parking for the batch plant (40 truck spaces and two accessible parking spaces at the office) is adequate to accommodate the proposed fleet of ready mix trucks and on-site employees.

<b>g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</b>				X
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The proposed project would not conflict with adopted policies or programs supporting alternative transportation, including bicycle use and transit facilities. The project site is proximate to existing bus routes along Alessandro Boulevard and is also within approximately 0.5 of a mile from a proposed Metrolink Station. Municipal Code standards (Section 9.11.060) require installation of bicycle parking facilities as part of the project improvements.

**16. UTILITIES AND SERVICE SYSTEMS.** Would the project:

<b>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</b>			X	
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The project site is within the service boundaries of Eastern Municipal Water District. Treatment facilities have adequate treatment capacity for the limited demand generated by the proposed batch plant and self storage warehouse.

<b>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?</b>			X	
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Eastern Municipal Water District has been advised of the proposed project and has not provided any indication of inadequate treatment capacity for either water or wastewater services. The batch plant component of the project is a relocation of an existing facility and involves substantial on-site recycling. The proposed self storage warehouse involves comparatively modest demand for services for frontage landscaping, the office, and the caretaker's residence.

<b>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?</b>				X
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The proposed project would provide an on-site storm drainage collection system, including a detention/infiltration basin. The on-site system has been designed such that discharges at the downstream limit of the project would not exceed the capacity of the existing downstream facilities. As a result of these project features, the proposed project would not require construction of new storm water drainage facilities which could cause significant environmental effects.

<b>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</b>			X	
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Eastern Municipal Water District has been advised of the proposed project and has not provided any indication of inadequate water supply availability.

<b>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?</b>			X	
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The needs of the project for wastewater treatment capacity are negligible. The wastewater treatment provider, Eastern Municipal Water District, has been advised of the proposed project and has not provided any indication of inadequate wastewater treatment capacity.

<b>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</b>			X	
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The needs of the project for solid waste capacity are negligible. The project will be served by a landfill in the Badlands with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>g) Comply with federal, state, and local statutes and regulations related to solid waste?</b>				X
<p>The project does not conflict with federal, state, and local statutes and regulations related to solid waste. Waste collection services in the City of Moreno Valley incorporate waste reduction provisions directed at compliance with State waste stream diversion regulations. Demolition of the Day Street batch plant site will be subject to preparation of a Waste Management Plan to demonstrate that at least 50 percent of the waste is diverted from landfill disposal.</p>				
<b>17. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
<b>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, substantially reduce the number or restrict the range of an endangered, rare or threatened plant or animal, or eliminate important examples of the major periods of California history or prehistory?</b>				X
<p>The proposed project provides for the development of industrial uses within an area designated for such uses. The project site has been disturbed by previous grading and operation of a construction equipment auction business.</p> <p>The proposed project, as conditioned, is consistent with the provisions of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Stephens' Kangaroo Rat Habitat Conservation Plan.</p> <p>The project site is not known to contain important archaeological or historical resources. Project conditions of approval address the possibility of resources being encountered during project construction.</p>				
<b>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 the past projects, the effects of other current projects, and the effects of probable future projects)?</b>			X	
<p>The proposed project would result in the development of a concrete batch plant <del>and a self-storage warehouse</del> at an intensity and scale that is consistent with the General Plan land use and zoning designations for the project site. The proposed project would not disturb sensitive resources or exceed the capacity of service systems, and would be consistent with applicable local, regional, and State environmental programs.</p> <p>The issue of a project's contribution of greenhouse gases and the connection to global warming has become a controversial aspect of the CEQA documentation process. Recognizing that the proposed project's emissions of criteria air pollutants are below recommended South Coast Air Quality Management District thresholds, the proposed project would not represent a cumulatively considerable contribution to pollutant emissions contributing to this phenomenon.</p>				
<b>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</b>			X	
<p>The development of the proposed project would establish industrial uses within an area designated for such uses.</p> <p>Analysis of the proposed project included consideration of potential impacts resulting from both the construction phase and on-going operation of the proposed uses. The analysis supports a determination that the proposed project, as designed and conditioned, does not present the potential to cause substantial adverse effects on human beings, either directly or indirectly.</p> <p>Impacts of the project setting upon future occupants of the proposed batch plant <del>and self-storage facility</del>, specifically as related to location in proximity to March Air Reserve Base/March Inland Port, have also been considered. Considering project design, project conditions of approval and established City programs for project implementation, the proposed project would not expose human beings to substantial adverse effects.</p>				

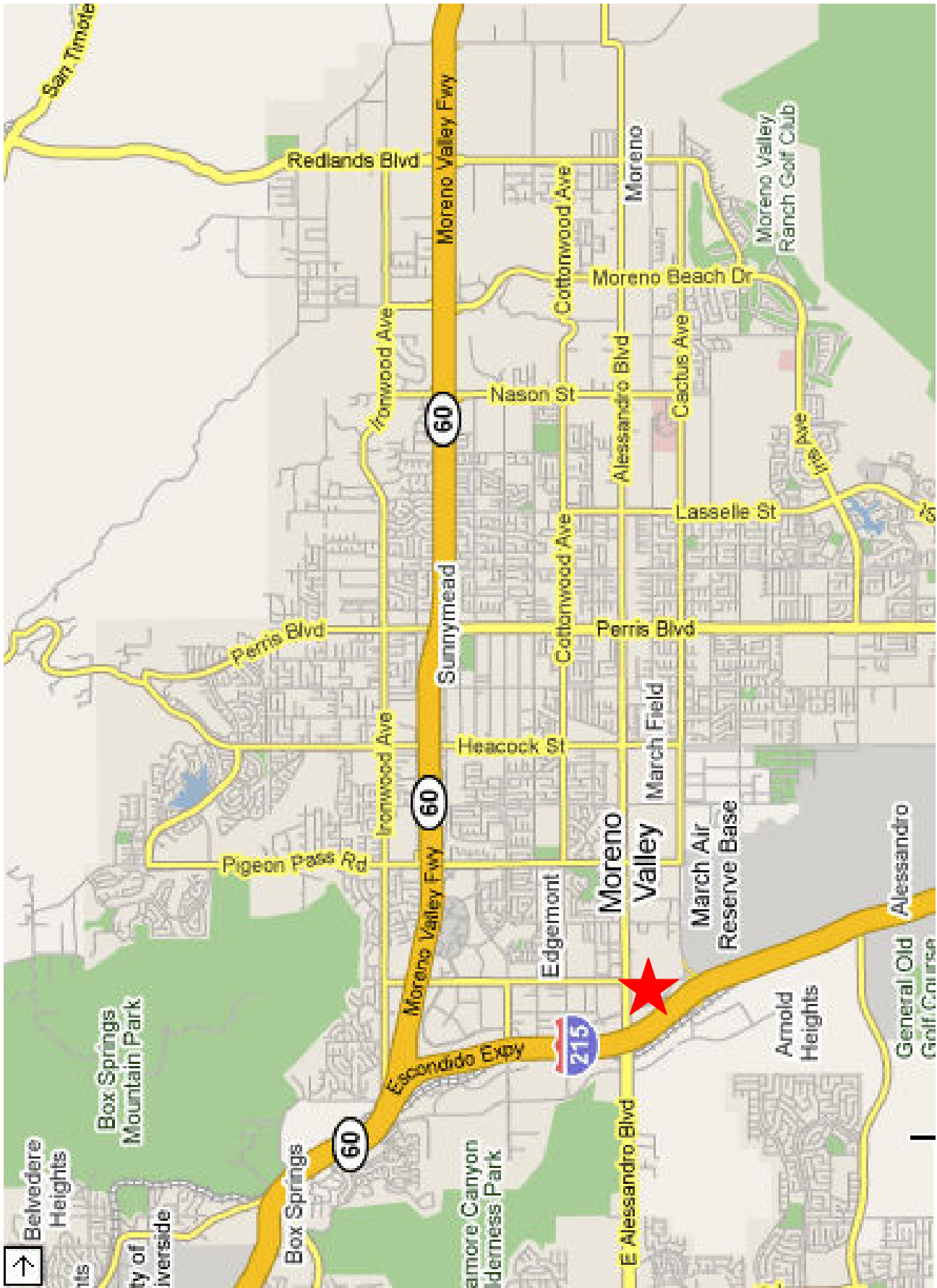


Figure 1  
Regional Location



Figure 2

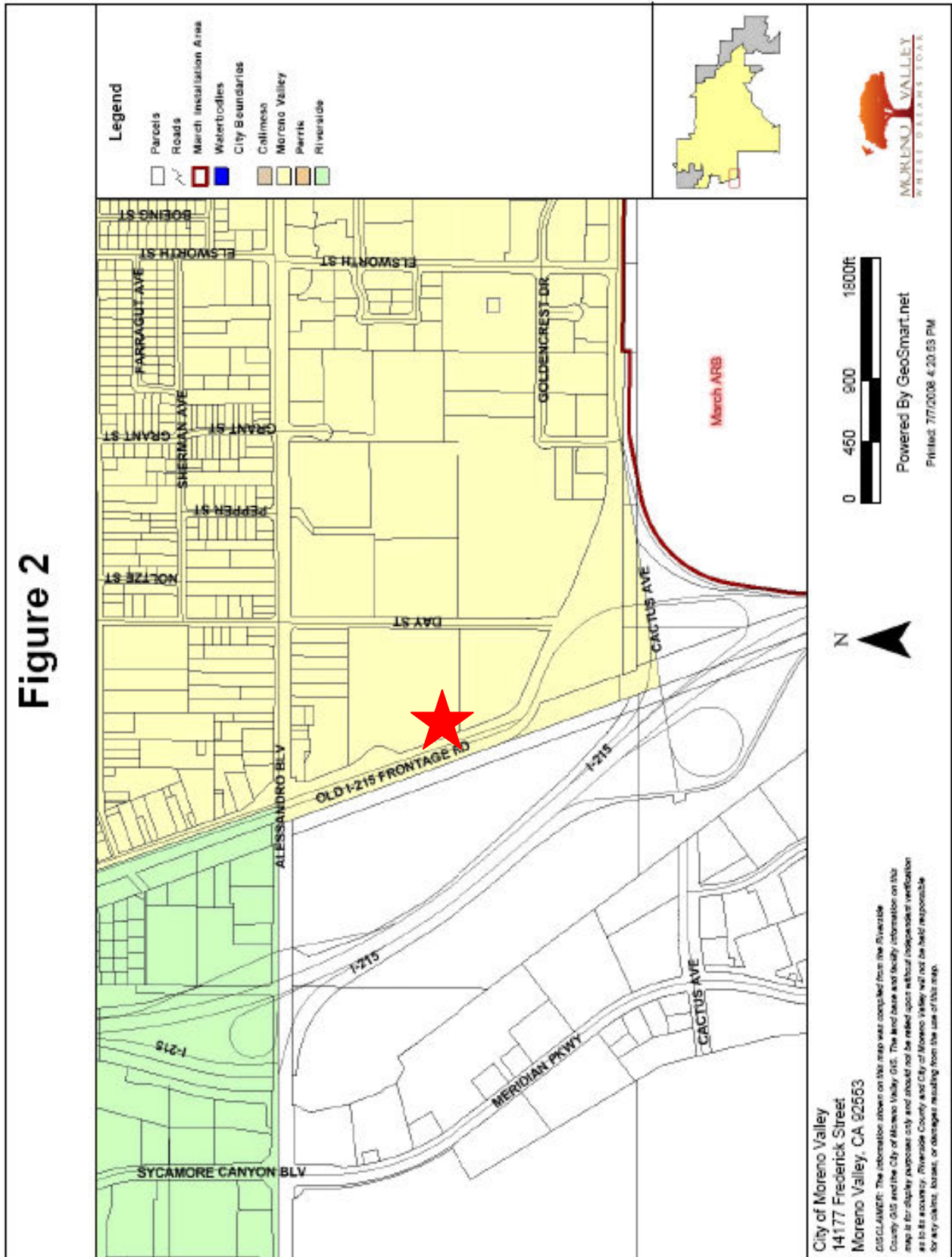




Figure 3r  
Aerial Photograph

**City of Moreno Valley**

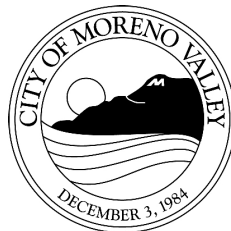
**MITIGATION MONITORING & REPORTING  
PROGRAM**

**Amended Conditional Use Permit P10-031**

**(Original project No's. PA06-0179, PA06-0180 and P08-017)**

**Relocation of Robertson's Ready Mix Plant**

**Old I-215 Frontage Road, south of Alessandro Boulevard**



**August 2008  
Revised February 2011**

**ATTACHMENT 4**

**MITIGATION MONITORING PROGRAM – Amended CUP P10-031  
(Original Project No’s. PA06-0179/PA06-0180/P08-017)**

Impact Category	Mitigation Measure	Implementation Timing	Designated Monitor	Method of Verification	Compliance Verification
Air Quality	<p><b>MM Air 1:</b> Prior to approval of grading plans, the plans shall reflect dust control measures required under South Coast Air Quality Management District rules 401 and 403 and as detailed in Table 5, Best Available Control Measures column, of the July 7, 2008 Air Quality Impact Analysis by Giroux and Associates.</p>	<ol style="list-style-type: none"> <li>Prior to approval of grading plan (verify notes on plans)</li> <li>During construction</li> </ol>	<ol style="list-style-type: none"> <li>Planning</li> <li>Applicant, contractor, Land Development Inspector</li> </ol>	<ol style="list-style-type: none"> <li>Grading plan sign-off</li> <li>Pre-construction meeting, site inspections</li> </ol>	
Air Quality	<p><b>MM Air 2:</b> The air quality assessment for this project assumed use of low-VOC architectural coatings. Building plans shall reflect use of qualifying products as certified by the South Coast Air Quality Management District. The applicant shall also provide documentation evidencing:</p> <ol style="list-style-type: none"> <li>Any use of pre-coated building materials;</li> <li>Use of high-transfer efficiency application methods;</li> </ol>	<ol style="list-style-type: none"> <li>Prior to issuance of building permits (verify notes on plans)</li> <li>During Construction</li> </ol>	<ol style="list-style-type: none"> <li>Planning</li> <li>Planning (with letters from applicant's contractor and architect)</li> </ol>	<ol style="list-style-type: none"> <li>Building permit roster sign-off</li> <li>Periodic certifications as coatings are applied</li> </ol>	

**MITIGATION MONITORING PROGRAM – Amended CUP P10-031  
(Original Project No’s. PA06-0179/PA06-0180/P08-017)**

Impact Category	Mitigation Measure	Implementation Timing	Designated Monitor	Method of Verification	Compliance Verification
	<p><b>MM Air 2, continued</b></p> <p>c. Effort to avoid coating applications during peak smog season;</p> <p>d. Recycling of left-over paint and empty cans; and</p> <p>e. Good-housekeeping practices for handling materials and clean-up.</p> <p>Prior to the issuance of Certificates of Occupancy or building final, the applicant shall provide evidence that architectural coating applications were completed with qualifying products.</p>	<p>3. Prior to occupancy release</p>	<p>3. Planning (with letters from applicant's contractor and architect)</p>	<p>3. Occupancy roster sign-off</p>	
<p><b>Air Quality</b></p>	<p><b>MM Air 3:</b> Building plans shall reflect the 11 gallon per day limit on application of architectural coatings assumed in the air quality assessment for this project.</p> <p>Prior to the issuance of Certificates of Occupancy or building final, the applicant shall provide evidence that architectural coating applications were completed in accordance with this requirement.</p>	<p>1. Prior to issuance of building permits (verify note on plans)</p> <p>2. During Construction</p> <p>3. Prior to occupancy release</p>	<p>1. Planning</p> <p>2. Planning (with letters from applicant's contractor and architect)</p> <p>3. Planning (with letters from applicant's contractor and architect)</p>	<p>1. Building permit roster sign-off</p> <p>2. Periodic certifications as coatings are applied</p> <p>3. Occupancy roster sign-off</p>	

**MITIGATION MONITORING PROGRAM – Amended CUP P10-031  
(Original Project No’s. PA06-0179/PA06-0180/P08-017)**

Impact Category	Mitigation Measure	Implementation Timing	Designated Monitor	Method of Verification	Compliance Verification
Air Quality	<p><b>MM Air 4:</b> The air quality assessment for this project assumed use of particulate filters for on-site diesel construction equipment. Grading plans shall reflect this requirement.</p> <p>Prior to the commencement of construction activity, the applicant shall provide evidence that on-site diesel equipment meets this requirement.</p>	<p>1. Prior to issuance of grading permits (verify notes on plans)</p> <p>2. Prior to start of construction</p>	<p>1. Planning</p> <p>2. Planning</p>	<p>1. Grading permit sign-off</p> <p>2. Letter from applicant's contractor</p>	
Air Quality	<p><b>MM Air 5:</b> The air quality assessment for this project assumed compliance with several good housekeeping practices for the duration of batch plant operation:</p> <p>a. Sweeping at plant entrances and along the first 300 feet of public street frontage within 30 minutes of any observed dirt spillage or track-out if visible deposition occurs;</p> <p>b. Aggregate shall be maintained sufficiently damp to prevent formation of a visible dust cloud when aggregate is dumped from haul trucks into receiving hoppers;</p> <p>c. Daily wash-down of truck load-out and sweeping/washing of any in-plant truck travel routes;</p> <p>d. A certified low PM-10 sweeper shall be used for in-plant suppression.</p>	<p>1. Prior to occupancy release (review manual and evidence of sweeper equipment)</p>	<p>1. Planning</p>	<p>1. Occupancy roster sign-off</p>	

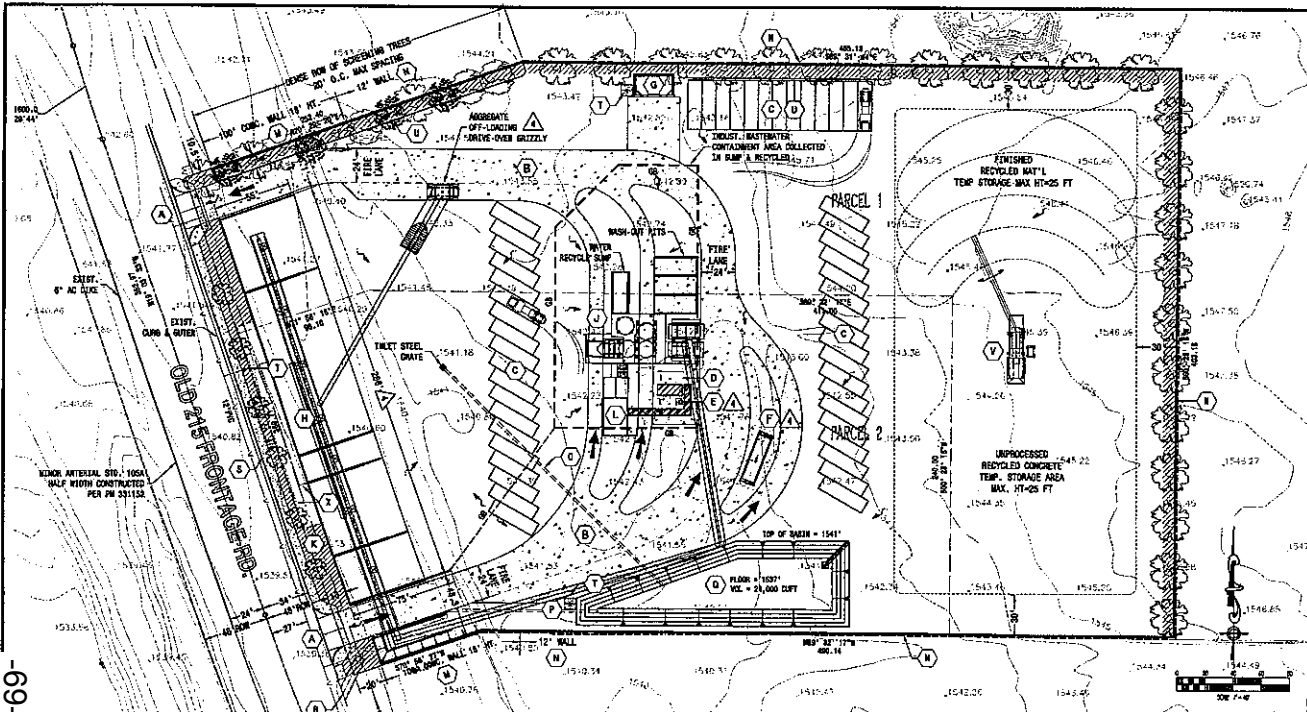
**MITIGATION MONITORING PROGRAM – Amended CUP P10-031  
(Original Project No’s. PA06-0179/PA06-0180/P08-017)**

Impact Category	Mitigation Measure	Implementation Timing	Designated Monitor	Method of Verification	Compliance Verification
	<p><b>MM Air 5, continued</b></p> <p>Prior to the commencement of operation at this site, the applicant shall provide evidence of equipment and procedures for implementation of these air quality good housekeeping measures, including plant operations and training manuals and record-keeping procedures. Copies of the operations manual and inspection/monitoring records shall be maintained on the plant site and be available for review upon request.</p>	<p>2. Ongoing</p>	<p>2. Planning</p>	<p>2. Incidental observations or complaints</p>	
<p><b>Hazards</b></p>	<p><b>MM Hazards 1:</b> (GP) Prior to approval of any grading plans, the applicant shall provide certification of completion of remediation measures as recommended in the Phase I site investigation (Stantec Consulting, December 2006 and April 2007). The certification shall be prepared in writing by a qualified hazardous materials specialist and shall be provided to the Planning Division and the Public Works Department - Land Development Division.</p>	<p>1. Prior to approval of grading plans</p>	<p>1. Planning (with letter from applicant's specialist)</p>	<p>1. Grading plan sign-off</p>	

**MITIGATION MONITORING PROGRAM – Amended CUP P10-031  
(Original Project No’s. PA06-0179/PA06-0180/P08-017)**

Impact Category	Mitigation Measure	Implementation Timing	Designated Monitor	Method of Verification	Compliance Verification
<b>NOISE</b>	<p><del>MM Noise 1: Prior to issuance of building permits, the applicant shall provide certification by a qualified acoustical specialist documenting building design features to achieve a 45 decibel (GNEL) maximum interior noise level for the self-storage caretaker's residence and office areas, as recommended in the July 11, 2008 noise analysis report by Mestre Greve Associates:</del></p> <p><del>a. Attic vent baffles and upgraded windows (EWNr=29 or STC=32) for the caretaker's residence bedrooms (not required for east-facing window);</del></p> <p><del>b. Attic vent baffles and upgraded windows (EWNr=30 or STC=32) and doors (EWNr=30 or STC=32) for the caretaker's residence living room; and</del></p> <p><del>c. Attic vent baffles and upgraded windows (EWNr=34 or STC=37) and doors (EWNr=30 or STC=32) for the self-storage office.</del></p> <p><del>Prior to occupancy release, the acoustical specialist shall provide certification of installation of attenuating design features.</del></p>	<ol style="list-style-type: none"> <li>1. Prior to issuance of building permits (verify plans reflect design elements)</li> <li>2. Prior to certificate of occupancy (verify construction per plans)</li> </ol>	<ol style="list-style-type: none"> <li>1. Planning, with assistance from applicant's architect or acoustical engineer</li> <li>2. Planning, with input from City Building Inspector and applicant's architect or acoustical engineer</li> </ol>	<ol style="list-style-type: none"> <li>1. Building permit roster sign-off</li> <li>2. Prior to occupancy roster sign-off</li> </ol>	<p><b>No longer applicable</b></p> <p><b>No longer applicable</b></p>





- ### SITE NOTES
- (A) CONCRETE DELIVERY (12" x 18") PER CITY STANDARD TYPE 113, MODIFIED P-33.
  - (B) 8" FULL CONCRETE PAVEMENT PER SOILS ENGINEER RECOMMENDATION.
  - (C) READY MIX TRUCK / DRIVER STALLS 10'-0" x 35'-0" (BACK-UP).
  - (D) STANDARD 8'-0" x 18'-0" AUTOMOBILE PARKING SPACE.
  - (E) VAN ACCESSIBLE PARKING SPACE 14'-0" x 19'-0" WITH 5' LOADING ZONE.
  - (F) ABOVE GROUND STORAGE TANK 12,000-GALLON (DIESEL) WITH CANNOPY OR EQUIVALENT.
  - (G) COVERED TRASH ENCLOSURE 8'-0" HIGH W/4'-3" O" WIDE SIDEWALK DOORS PER CITY STD. 027.
  - (H) MATERIAL STORAGE AND RECOVERY SYSTEM WITH 35'-0" HIGH CONCRETE WALLS WITH OPEN ROOF.
  - (I) DUAL-ALLEY CONCRETE BATCH PLANT.
  - (J) LANDSCAPING AREA.
  - (K) TWO STORY BATCH OFFICE 18.75' x 40.67' WITH DRIVER'S ROOM, ELECTRICAL ROOM AND OFFICE.
  - (L) CONCRETE PERIMETER WALL 18'-0" HIGH.
  - (M) CONCRETE PERIMETER WALL 12'-0" HIGH.
  - (N) PRIVATE STORM DRAIN SYSTEM 12" DIA..
  - (O) PRIVATE STORM DRAIN SYSTEM 12" DIA..
  - (P) ON-SITE DETENTION/INFILTRATION BASIN.
  - (Q) CURB DRAIN PER CITY STANDARD.
  - (R) SIDEWALK 6 FT WIDE x 4" THICK PER CITY STANDARD.
  - (S) FIRE HYDRANT 8"X12"-112" NOT LESS THAN 150" FROM ANY PORTION OF THE BUILDING AS MEASURED ALONG EMERGENCY VEHICULAR TRAVEL WAY.
  - (T) PROPOSED 8" CONCRETE CURB PER CITY STANDARD ONE TYPE A CURB.
  - (U) PERIODIC RECYCLING OF CONCRETE INTO BASE MATERIAL.
  - (V) CONCRETE PLANTER WALL LANDSCAPED.
  - (X) SPECIAL PLANTER WALL LANDSCAPED.

### ADDRESS NOT ASSIGNED

CUP NO. P10-031

#### LEGAL DESCRIPTION

PARCELS 1 AND 2 OF PARCEL MAP NO. 33152, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 229 PAGES 39 THROUGH 41 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

#### ASSESSOR PARCEL NUMBERS

287-100-068 287-100-069

#### SCOPE OF WORK

- ELIMINATE THE SELF STORAGE WAREHOUSE (CUP PLAN-180) PREVIOUSLY APPROVED FOR PARCELS 1, 2 AND 3. EXTEND THE CONCRETE BATCH PLANT (CUP PAGE-0179) TO PARCELS 1 AND 2 FOR A TOTAL AREA OF 5.69 ACRES.
- A LOT LINE ADJUSTMENT APPLICATION WILL BE SUBMITTED TO COMBINE PARCELS 1 AND 2.
- INCREASE THE SQUARE FOOTAGE OF THE MATERIAL STORAGE BUILDING TO 12,150 SQ. FT.
- INCREASE LANDSCAPING AREA TO ACCOMMODATE REVISIONS AND ENHANCE SCREENING.
- ADD AN ADDITIONAL 667 LINEAR FEET OF 12 FT HIGH CONCRETE WALL ALONG THE NORTH AND EAST PROPERTY LINES.

<b>OWNER</b> BOW PROPERTIES, LTD 200 SOUTH WALN ST, SUITE 200 CORONA, CA 92882 (951) 635-2200	<b>ENGINEER</b> MICHAEL BRADDOCK, PE PO BOX 3500 CORONA, CA 92878 (951) 493-6494	<b>APPLICANT</b> ROBERTSON'S READY MIX 200 SOUTH WALN STREET CORONA, CA 92882 (951) 635-2200
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#### SERVICE UTILITIES

<b>WATER:</b> EASTERN METROPOLITAN WATER DIST. 2270 TRIMBLE RD. PERRIS, CA (951) 828-3777	<b>ELECTRIC:</b> SDG&E ENERGY 28100 NEWLETTLE RD. RIVERSIDE, CA 92504 (800) 855-4555	<b>GAS:</b> S.D. CAL. GAS COMPANY 482 S. CORONA WALL CORONA, CA (800) 427-2200
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**TELEPHONE:**  
VERIZON  
24961 WASHINGTON  
MARIETTA, GA  
(851)483-9000

**SEWER:**  
SEPTIC, UNLESS SEWER  
AVAILABLE WITHIN 800 FT  
AT TIME OF ISSUANCE.

- ### SPECIAL NOTES
- FIRE DEPARTMENT
- FIRE HYDRANTS SHALL BE PLACED A MAXIMUM 300' APART OR AS OTHERWISE REQUIRED BY THE FIRE DEPARTMENT.
  - FIRE ACCESS (FIRE LANE) SHALL BE PAVED WITH CONCRETE OF SUFFICIENT DESIGN TO SUPPORT BOX OWN FIRE ENGINES.
  - THE FIRE LANE SHALL BE CONSTRUCTED AS SHOWN ON THESE PLANS AND CLEARLY MARKED WITH 8-IN WIDE RED STRIPES WITH 4-IN WHITE LETTERS "NO PARKING FIRE LANE".

### INDEX

NO. DWS	SHEET TITLE - DESCRIPTION	DATED	REVISION
41 E01	SITE PLAN	02/15/10	
S1 E02	EXTERIOR ELEVATIONS	02/15/10	

### PROJECT DETAILS

CODES APPLIED - CALIFORNIA BUILDING CODE 2007  
- NATIONAL ELECTRIC CODE 2008

TYPE OF CONSTRUCTION  
BATCH OFFICES: "B-2" OCCUPANCY AND TYPE "U-N"  
CONSTRUCTION

BATCH PLANT: STEEL FRAME (NOT OCCUPIED)

PROPOSED BUILDINGS

(L) MAXIMUM HEIGHT	23.0' (2 STORY)
(J) BATCH OFFICE	75.0' (MAX)
(H) BATCH EQUIPMENT	35.0'
(M) MATERIAL SYSTEM	35.0'
(K) DRINKS AREA	802 SF (OCCUPIED)
(L) BATCH OFFICE	4,220 SF (NOT OCCUPIED)
(H) BATCH PLANT	12,150 SF (NOT OCCUPIED)
(M) MATERIAL SYSTEM	920 SF (OCCUPIED)
(K) TOTAL	920 SF (OCCUPIED)

### LAND USE

ZONING - I INDUSTRIAL / AEROD  
LAND USE - CURRENT = HEAVY INDUSTRIAL  
PROPOSED = CONCRETE BATCH PLANT

	BEFORE PROJECT	PREVIOUSLY APPROVED	AS REVISED
BUILDING/STRUCTURES	0 SF (0.0%)	11,870 SF (10.0%)	18,856 SF (7.3%)
PARKING/PAVED	0 SF (0.0%)	41,250 SF (38.0%)	63,510 SF (27.1%)
LANDSCAPING	0 SF (0.0%)	4,930 SF (4.3%)	13,268 SF (5.2%)
OPEN	258,268 SF (100.0%)	33,200 SF (14.0%)	154,814 SF (60.4%)
TOTAL	258,268 SF (6.89 AC)	114,050 SF (2.82 AC)	258,268 SF (8.89 AC)

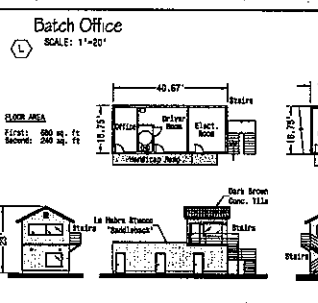
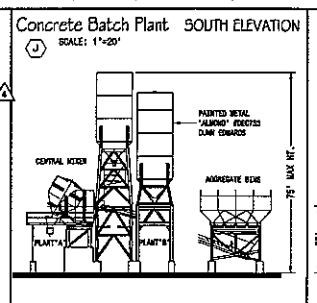
### PARKING

	BEFORE PROJECT	PREVIOUSLY APPROVED	AS REVISED
CAR	STANDARD (6.5' x 18')	0	1
VAN ACCESSIBLE (14.0' x 18')	0	1	1
TRUCK / DRIVER	STANDARD (10.5' x 35')	0	40
TOTAL		0	42

### LIGHTING

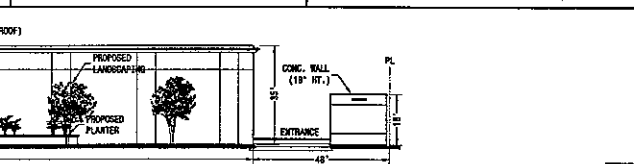
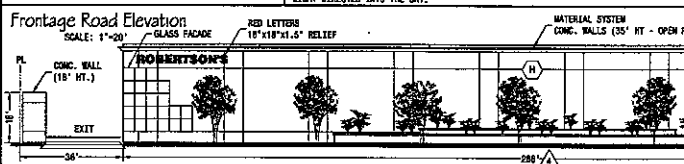
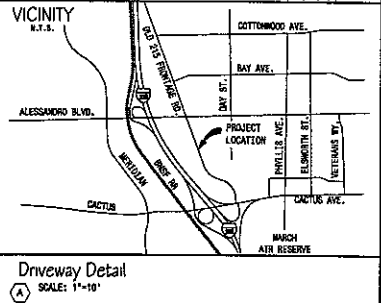
OUTDOOR LIGHTING SHALL COMPLY WITH ALL APPLICABLE ORDINANCES AND REQUIREMENTS FOR THE CITY OF MORENO VALLEY.

LIGHTING SHALL BE FULLY SHIELDED WHERE FEASIBLE, PARTIALLY SHIELDED IN ALL OTHER CASES AND SHALL BE FOCUSED TO MINIMIZE THE AMOUNT OF LIGHT DISSEMINATED INTO THE SKY.



### LEGEND

(Symbol)	EXIST. DRAINAGE
(Symbol)	EXISTING CONC. PAVING
(Symbol)	NEW CONC. PAVING
(Symbol)	PROPERTY LINE
(Symbol)	LANDSCAPING
(Symbol)	STREET LIGHT
(Symbol)	EXIST. CONTOUR
(Symbol)	FINISHED CONTOUR
(Symbol)	SLOPE
(Symbol)	TRAFFIC CIRCULATION



**ORIGINAL**  
SUBMITTED: 12/20/11

**Underground Service Alert**

Call: TOLL FREE 1-800-227-2600

TWO WORKING DAYS BEFORE YOU DIG

**ROBERTSON'S**  
ESCHMANN RD. # 90-49 ELEV: 1550.585'

A BENCH MARK IS THE TOP OF A CONCRETE POST, BETWEEN ALESSANDRO BLVD. AND COTTONWOOD AVE. ON DAY 11, 30 FT. SOUTH OF COTTONWOOD AVE. 48 FT. WEST OF DAY 11, 30 FT. WEST OF COTTONWOOD AVE. 2500.0 FT. NORTHWEST OF SOUTHWEST CORNER OF A 6 FT. CHALK LINE FENCE, 1 FT. SOUTH OF A BENCH POST. A BENCH MARK STAMPED 4-20-09 IN THE TOP OF A CONCRETE POST.

PHOTOMETRIC SURVEY BY DIGITAL MAPPING, INC. JANUARY 25, 2004

PLANNING COR. 01/18/11  
BULLETIN NO. 2 11/01/10  
PLANNING COR. 05/20/10  
BULLETIN NO. 1 04/19/10

**ROBERTSON'S**  
200 South Main Street, Suite 200  
CORONA, California 92882  
(951) 493-2600

NO. 0002  
EXP. 12/31/12

### SITE PLAN

#2-MORENO VALLEY BATCH PLANT  
ADDRESS NOT ASSIGNED

CASE NO. P10-031

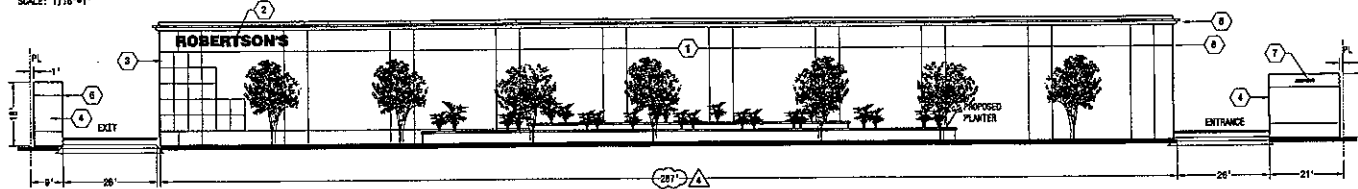
DATE

PLANT	1254
FLAT	02
DIVISION	501
DATE	01/18/11
SCALE	AS SHOWN
SHEET	4 of 26

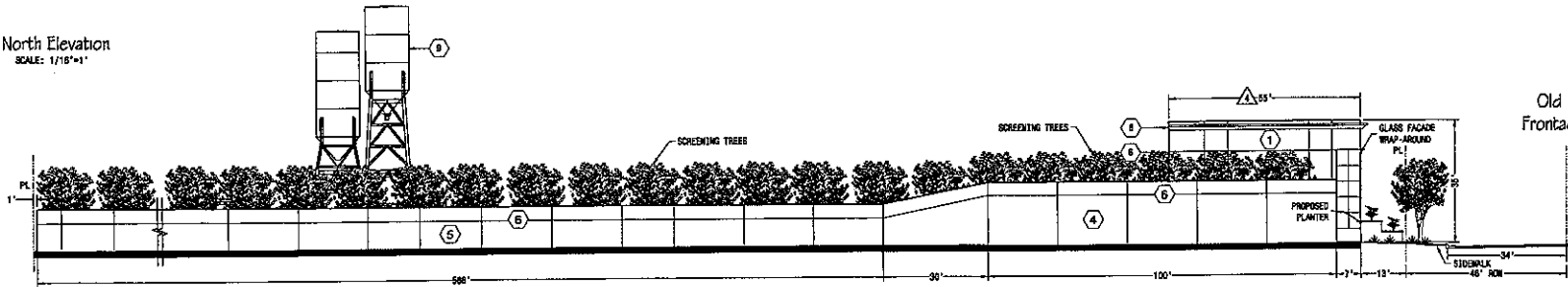
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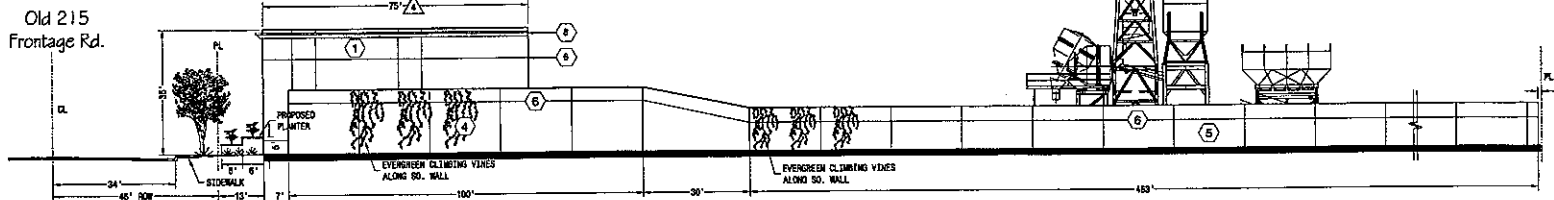
West Elevation (Frontage)  
SCALE: 1/16"=1'



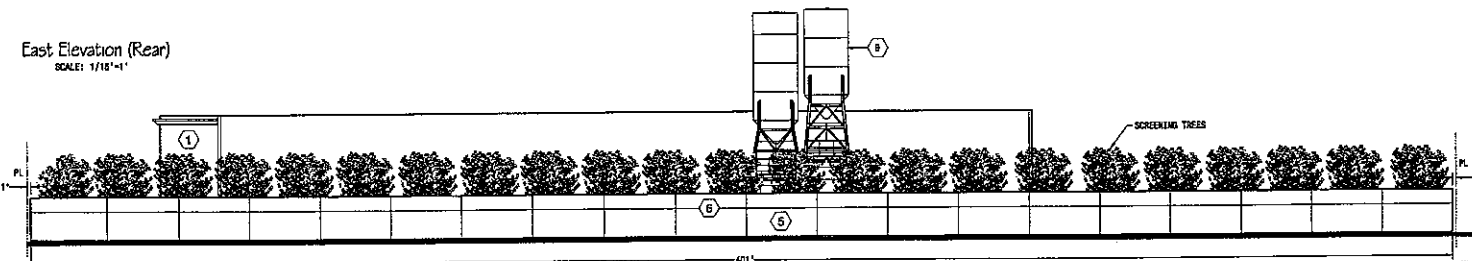
North Elevation  
SCALE: 1/16"=1'



South Elevation  
SCALE: 1/16"=1'



East Elevation (Rear)  
SCALE: 1/16"=1'



KEY NOTES

- ① MATERIAL SYSTEM CONCRETE WALL SMOOTH FINISH PAINTED "ALMOND" # D62753 BY DUNN EDWARDS.
- ② LETTERS 18"x18"x1-1/2" RELIEF PAINTED RED
- ③ GLASS FACADE
- ④ 18 FT HIGH PERIMETER WALL CONCRETE SMOOTH FINISH PAINTED "ALMOND" # D62753 BY DUNN EDWARDS.
- ⑤ 12 FT HIGH PERIMETER WALL CONCRETE SMOOTH FINISH PAINTED "ALMOND" # D62753 BY DUNN EDWARDS.
- ⑥ HORIZONTAL REVEAL.
- ⑦ STREET ADDRESS MIN. 12" HIGH RED LETTER
- ⑧ EXTERIOR FOAM MOUNTING STUCCOED PAINTED "BIRCH BEIGE" #D62750 DUNN EDWARDS.
- ⑨ PAINTED METAL "ALMOND" DUNN EDWARDS #D62753.

Old 215  
Frontage Rd.

**ORIGINAL**  
SUBMITTED 1/20/11

- ▲ PLANNING COM. 01/18/11
- ▲ PLANNING COM. 05/20/10
- ▲ BULLETIN NO. 1 04/16/10



**ROBERTSON'S**

200 South Main Street, Suite 200  
Covina, California 91724  
(951) 453-5500

Richard Orsini \* REC 81053 \* Exp 12/31/12 DATE

**SITE PLAN**

#2-MORENO VALLEY BATCH PLANT  
ADDRESS NOT ASSIGNED

CASE NO. PA10-031

EXTERIOR ELEVATIONS

PROJECT	1284
PLANT	DC
DRAWN	EDZ
DATE	01/18/11
SCALE	AS SHOWN
SHEET	5 of 26

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## PLANNING COMMISSION STAFF REPORT

Case: PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).

Date: February 24, 2011

Applicant: Beazer Homes

Representative: MDS Consulting

Location: Southeast corner of Fir Avenue and Eucalyptus Avenue.

Proposal: A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.

Redevelopment Area: Yes

Recommendation: Approval

### **SUMMARY**

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS (Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

## **BACKGROUND**

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

## **PROJECT DESCRIPTION**

### **Project**

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

### **Tentative Tract Map**

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

#### **A. Open Space (OS)**

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as "Nature Park" on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

#### **B. Residential 15 (R15)**

Approximately 25 acres of the site lies within the R15 land use district. The site will consist of individual lots with detached single-family homes, common open space areas, and private access roads. The .74-mon open space includes a recreation

building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

### **Planned Unit Development**

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations.**

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section.**

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

### **Other Design Considerations**

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees along private streets and allow continual break-up of the project massing. In addition, street trees will be clustered in strategic locations such as on corner lots, adjacent to



guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

### **Development Agreement**

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the Current Fees. In the

third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

### **Site/Surrounding Area**

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

### **Access/Parking**

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

### **Design/Landscaping**

As development in the tract will only occur within the R15 portion, the site meets development standards as allowed under Section 9.03.060 (Planned Unit

Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

## **REVIEW PROCESS**

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

## **ENVIRONMENTAL**

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Act (CEQA) guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical-related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

### **NOTIFICATION**

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

### **REVIEW AGENCY COMMENTS**

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

<b><u>Agency</u></b>	<b><u>Response Date</u></b>	<b><u>Comments</u></b>
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation District	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

**STAFF RECOMMENDATION**

That the Planning Commission:

**APPROVE** Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,
2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by:

Approved by:

Mark Gross, AICP  
Senior Planner

John C. Terell, AICP  
Planning Official

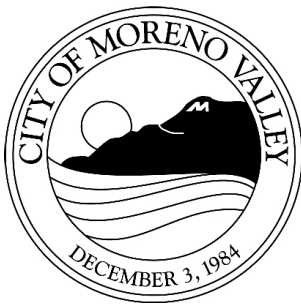
ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission Resolution No. 2011-07 with attached development agreement
5. Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9. Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
5. Recreation building floor and elevation plans (provided in reduced format in Exhibit 6).
6. Tentative Tract Map No. 36340 Information Booklet.

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# 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:** PA10-0038 (Tentative Tract Map No. 36340)  
PA10-0039 (Conditional Use Permit)  
PA10-0029 (Development Agreement)

**APPLICANT:** Beazer Homes

**OWNER:** Beazer Homes

**REPRESENTATIVE:** MDS Consulting

**LOCATION:** The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

**PROPOSAL:** A Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre parcel of land in the Residential 15 (R15) and Open Space (OS) land use districts. A development agreement (PA10-0029) is included with the project. A 276 unit condominium map (No. 32825) was originally recorded for the subject property and the site was previously graded.

**ENVIRONMENTAL DETERMINATION:** Addendum to a Negative Declaration (Section 15164 of the California Environmental Quality Act)

**REDEVELOPMENT AREA:** Yes

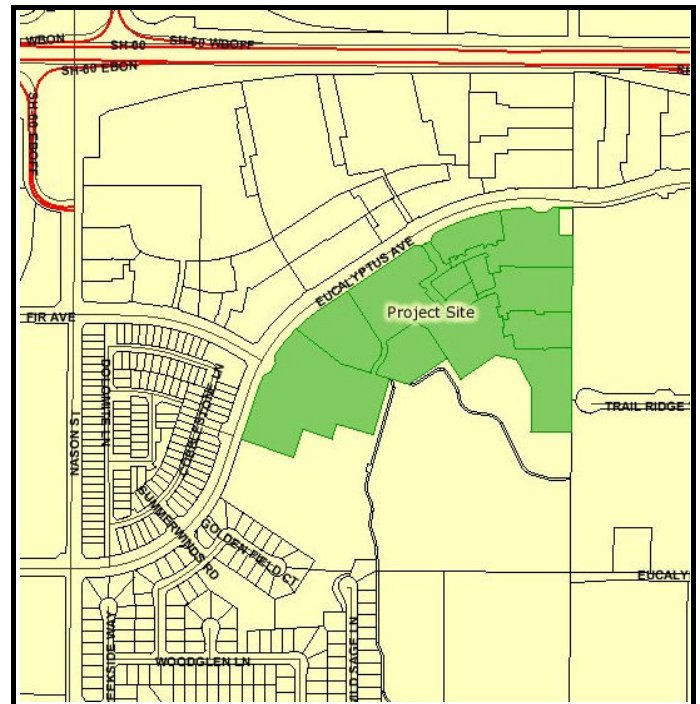
**STAFF RECOMMENDATION:** Approval

Any person interested in any listed proposal can contact the Community and 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) 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 Chambers, City Hall  
14177 Frederick Street  
Moreno Valley, Calif. 92553

**DATE & TIME:** February 24, 2011 at 7:00 P.M.

**CONTACT PLANNER:** Mark Gross

**PHONE:** (951) 413-3215

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PLANNING COMMISSION RESOLUTION NO. 2011-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA10-0038 (TENTATIVE TRACT MAP NO. 36340) FOR A 275 PLANNED UNIT DEVELOPMENT SINGLE-FAMILY LOT SUBDIVISION AND VARIOUS LOTS FOR A RECREATION BUILDING, DRAINAGE AND OTHER COMMUNITY RECREATION OPPORTUNITIES AREAS, ON AN APPROXIMATE 29 GROSS ACRE PARCEL OF LAND WITHIN THE R15 (RESIDENTIAL-15) AND (OS) OPEN SPACE LAND USE DISTRICTS**

**WHEREAS**, The applicant, Beazer Homes, has filed an application for the approval of PA10-0038 for the subdivision of an approximate 29 acre residential parcel of land into 275 single-family residential lots, various numbered and lettered lots for open space including a community center, private open space lot and drainage basin. The project is located in the R15 (Residential-15) and OS (Open Space) land use districts. The project will also include a conditional use permit (CUP) for a proposed planned unit (PA10-0039) and a development agreement (PA10-0029), which will be reviewed by a separate resolution. The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

**WHEREAS**, on February 24, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider PA10-0038 (Tentative Tract Map No. 36340).

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

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

**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**, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby specifically 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 February 24 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The design or improvement of the proposed land division is consistent with applicable general and specific plans:

**FACT:** The applicant has proposed Tract Map No. 36340 to subdivide an approximate 29.07 gross acre parcel into 275 single-family residential lots and planned unit development (PUD) and various lots for a community recreation building, drainage and community open space. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed overall density for the subject site is 11 units per acre, which does not exceed the maximum 15 units per acre. The proposed map and land use is consistent with the General Plan policies, including conformance with the R15 and OS land use designation. The proposed map design is also consistent with the land use map and Municipal Code.

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

**FACT:** The proposed land has been designed in accordance with the City General Plan, Municipal Code and the State Subdivision Map Act. The proposed subdivision of vacant land complies with the General Plan and Map Act in that densities have not been exceeded and all lots have access from dedicated public streets. As the project is providing a Planned Unit Development, the project is conforming to standards set forth in Section 9.03.060, including deviations for development standards. Densities (275 single-family residential lots on 29.07 gross acres of land are consistent with that which is provided for within the Municipal code. The proposed project is compatible with surrounding land uses, including land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east. The project will continue to preserve the surrounding rock outcroppings and slopes contained within the surrounding open space zone.

3. Health, Safety and Welfare – That the design of the proposed land division or the proposed improvements, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

**FACT:** As conditioned, the proposed land division for 275 residential lots and other various recreation and open space lots on an approximate 29 acre parcel of land is in conformance with the General Plan, Municipal Code and R15 (Residential 15) zoning district, and would not cause serious public health problems. The project is compatible in land use and density with developments within the general vicinity, including existing vacant single-family zoned land to the south and west and commercial/retail land uses adjacent to the east and across Eucalyptus Avenue to the north. Based on the residential nature of the project and the fact that environmental resources are being protected, the project and design land division improvements will not be detrimental to the public health, safety or welfare or be materially injurious to properties or improvements to the general vicinity. As the project has not increased in density (276 units original approved to 275 units proposed) and land use from Tentative Tract Map (No. 32825) which was previously approved for a residential condominium complex and various open space components, and the site was previously graded for that use, an addendum to the original Negative Declaration has been prepared. Pursuant to Section 15162 of the CEQA Guidelines, no substantial changes have occurred from the original project which would require major revisions of the prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land. None of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or additional negative declaration have occurred.

4. The design of the proposed land division or the type of improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems.

**FACT:** The site is currently vacant and is characterized by weedy vegetation and surrounding hillside terrain. A drainage area (i.e. drainage basin) was included from the previous map approval and is included within the adjacent OS (Open Space) district. Although the original map did not indicate any biological impacts associated with the project, a general Biological Assessment was required to be completed. No

significant cultural resources or evidence of Burrowing Owls were found at the site. A final survey for the burrowing owl is required prior to any grading of the site. The project and environmental evaluation indicates that impact levels were considered less than significant under the California Environmental Quality Act (CEQA). As conditioned and designed, the proposed tract map would not cause serious health problems or significant environmental impacts.

5. The design of the proposed land division or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division.

**FACT:**There are no conflicts with easements on the subject site. Tentative Tract Map 32825 was originally approved for the site. The City Engineer has appropriately placed conditions of approval for Tentative Tract Map No. 36340 regarding various project improvements and the updated residential project.

6. The effect of the proposed 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 proposal meets the intent of the General Plan and the Specific Plan by providing for single-family residential homes at a land use density comparable with the designated R15 zoning and land use districts. Proximity to existing residential land use allows for contiguous development and infrastructure. The project does not exceed the planned density, the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project does not exceed a threshold, which would create potential significant impacts to fiscal and environmental resources. The project will supplement the City's fiscal resources by paying applicable 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.

7. 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 size, configuration and orientation of the lots in this land division allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

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, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future), Traffic Signal Mitigation fee and MSHCP 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 PA10-0038, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

**3.** 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 have been given a notice 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. 2011-05 recognizing that the proposed project qualifies for an Addendum to an approved Negative Declaration, and approving PA10-0038, or Tentative Tract Map No. 36340, for the subdivision of an approximate 29 acre parcel of land into 275 residential single-family lots and various lettered lots to include common open space, a community recreation building and protection of rock outcroppings within Residential 15 (R15) and Open Space (OS), subject to the attached conditions of approval included as Exhibit A.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2011.

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Rick DeJong  
Chair, Planning Commission

ATTEST:

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John C. Terell, Planning Official  
Secretary to the Planning Commission

APPROVED AS TO FORM:

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City Attorney

Attached: Conditions of Approval

**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
FOR  
TENTATIVE TRACT MAP  
TENTATIVE PARCEL MAP  
Case No: PA10-0038 (Tentative Tract Map)**

**A.P.N.:** 488-090-077, 061, 028, 078, 026 (water basin), 027 (private open space lot)  
and 488-091 025, 031, 053 and 073

**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 DEVELOPMENT DEPARTMENT**

**Planning Division**

**GENERAL CONDITIONS**

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

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**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	

CITY OF MORENO VALLEY

**PLANNING DIVISION  
CONDITIONS OF APPROVAL**

**Page 2**

- P2. This tentative map 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 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)
- P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P7. (BP) Enhanced architectural treatments shall be included on the approved plans for all homes having side and/or reverse frontages to public streets or open space areas.
- P8. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.
- P9. **All motorize vehicles, except for law enforcement/fire and maintenance vehicles, shall be prohibited from entering Lot A, a natural open space lot containing rock outcroppings. Lot A shall be void of any future development.**

**PRIOR TO GRADING**

- P10. (GP) Prior to approval of any grading permit, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify any 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 Community Development Director or designee. (GP Objective 4.4, 4.5, DG)



**PLANNING DIVISION  
CONDITIONS OF APPROVAL**

Page 3

- P11. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee if applicable. (Ord)
- P12. (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)
- P13. (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.
- P14. (GP) Prior to approval of a precise grading plan, final street tree plan, including irrigation, shall be submitted to the Planning Division for review and approval for all dwelling units in the phase of the subdivision in process.
- P15. (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 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).

- P16. (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.**
- P17. (GP) Prior to issuance of grading permits, plans for any security gate system shall be submitted to the Planning Division for review and approval.**
- P18. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement. (MC 9.08.070)**
- P19. (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 six (6) foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to the commercial project to the east and along Eucalyptus Avenue. Some wrought iron fencing with pilasters is allowed adjacent to common areas along Eucalyptus.**
  - B. Maximum six (6) foot high open wrought iron or tubular steel fencing is required adjacent to all open space and view lot areas.**
  - C. Fences and walls placed between residential parcels shall be constructed of wood, poly vinyl, decorative metal, decorative block or other durable material as approved by the Community and Economic Development Director.**
  - D. All fences/wall adjacent to streets or rights-of-way shall be constructed of decorative metal rail, decorative block or other decorative material as approved by the Community and Economic Development Director.**
  - E. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.**
  - F. A six (6) foot high combination wall with pilasters is required at top of slope along an open space area or adjacent to a park.**
  - G. A decorative block wall shall be provided along the street side for corner lots.**
  - H. Non-combustible fencing is required for all lots adjacent to all fuel modification zones, subject to the approval of the Fire Prevention Bureau.**

- P20. (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**

- P21. (R) Prior to the issuance of final map approval, the map shall be revised to address any sight line distance issues along Eucalyptus Avenue, including an adjustment of Lots 129 and 120 or a redistribution of the two lots on the final map. At minimum, fence/wall and landscape placement may be affected by the site line distance designed at 50 mph or as approved by the City Engineer.**
- P22. (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)**
- P23. (R) Prior to final map recordation any required trail easements shall be provided.**
- P24. (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, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, water quality basins, lighting, landscaping and common area use items such as general building maintenance, 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:

- The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.
- (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.
- Maintenance of any and all common facilities.
- 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.
- The project will include small lots that would not allow future additions such as patio covers, second floor balconies or room additions.
- Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.

#### **PRIOR TO BUILDING PERMIT**

- P25. (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)

- P26. (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.
- P27. **(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**

- P28. (CO) Prior to the issuance of Certificates of Occupancy or building final, all 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)
- P29. **(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)**
- P30. **(CO) Prior to Certificate of Occupancy, the Developer shall be responsible to upgrade and/or construct any required trails, including fencing and drainage devices in conjunction with street improvements. (GP Objective 26.3, DG)**
- P31. **(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. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall be submitted to the Building Department as a separate submittal. The 2010 edition of the California Codes will be effective for all permits issued after January 1, 2011.

#### **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.

**POLICE DEPARTMENT**

**Note: All Special conditions are in bold lettering.** All other conditions are standard to all or most development projects

**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 Development Department - Building Division for routing to the Police Department. (DC 9.08.080)

**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
Case No: PA10-0038,0039  
APN: 477-130-073  
DATE: 2/9/10**

**FIRE PREVENTION BUREAU**

- 1. This project is in the wildland urban interface area. Construction requirements of CFC Ch. 47 and CBC Ch.7A shall apply.**
- 2. All homes in this development shall be provided with fire sprinklers.**
- 3. The following Standard Conditions shall apply.**

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. 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.
- F2. 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 B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 1500 GPM 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 508.3, Appendix B and MVMC 8.36.100 Section D) .
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 1/2" x 2 1/2" ) shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)
- F4. 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 508.3 MVMC 8.36.050 and 8.36.100 Section E).
- F5. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.1)
  - F6. 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)
  - F7. 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. (MVMC 8.36.050 and CFC 501.3)
  - F8. 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 MVMC 8.36.050 Section A)
  - F9. 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 503.2.1.1 and MVMC 8.36.050)
  - F10. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)
  - F11. 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 and MVMC 8.36.050 Section A)
  - F12. 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 501.3 and MVMC 8.36.050)
  - F13. 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 and MVMC 8.36.050)
  - F14. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)



- F15. 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 Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

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 508.1 and MVMC 8.36.100)

- F16. 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 510.1)
- F17. 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 and shall be low voltage lighted fixtures. (CFC 505.1)
- F18. Prior to Certificate of Occupancy or Building Final, all structures shall have fire retardant roofing materials (Class A roofs) as described in CBC Chapter 7A and CFC Chapter 47.
- F19. 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)
- F20. 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. The Knox-Box shall be supervised by the alarm system and 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)

- F21. Prior to issuance of Building Permits, fuel modification plans shall be submitted to the Fire Prevention Bureau for review and approval for all open space areas adjacent to the wildland vegetation interface. (CFC Chapter 47)
- F22. Prior to issuance of Building Permits, plans for structural protection from vegetation fires shall be submitted to the Fire Prevention Bureau for review and approval. Measures shall include, but are not limited to: noncombustible barriers (cement or block walls), fuel modification zones, etc. (CFC Chapter 47)
- F23. 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 503.2.7 and MVMC 8.36.050 Section I)
- F24. 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 8.36.050)
- F25. Prior to construction, "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 8.36.050)
- F26. 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.
- F27. 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 14 & CBC Chapter 33)
- F28. 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 106)
- F29. 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 106)

- F30. 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 104)
- F31. 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 102.7)
- F32. 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 Appendix Chapter 1)
- F33. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F34. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F35. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

**FIRE FLOW LETTER**

**Date:** 11/18/10

**Address:** \_\_\_\_\_

**Case Number:** PA10-0038

**A.P.N.:** 477-130-073

This is certification the water system is capable of meeting the following required fire flows as determined by the California Fire Code Appendix B.

Based on the information provided on the above referenced case. The fire flow required for this project will be \_\_\_1500\_\_\_ G.P.M. for duration of \_\_\_2\_\_\_-HOURS measured at 20-psi residual 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.

**Applicant/  
Developer:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**WATER AGENCY APPROVAL**

**Name of Agency:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**NOTE: THE COMPLETION AND SUBMITTAL OF THIS LETTER TO THE FIRE PREVENTION BUREAU SHALL NOT BE CONSTRUED AS APPROVAL FOR THE INSTALLATION OF THE REQUIRED FIRE HYDRANT (S) AND/OR WATER SYSTEM.**

**CITY OF MORENO VALLEY  
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION  
CONDITIONS OF APPROVAL  
PA10-0038 TTM 36340  
PA10-0039 Conditional Use Permit  
Single-Family Residential Planned Unit Development  
APN 477-130-073 et. al.**

**Note:** All Special Conditions are in **Bold** lettering and follow the standard conditions.

**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.

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 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 and conditional use permit](#) 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 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.
- 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 with City Standard No. 303. No over the sidewalk drainage shall be allowed. All drainage shall be directed to drainage devices located outside the private street travelled way. (MC 9.14.110)

- LD10. (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.
- 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 plan sets and the approved plans shall be available in the field during grading and construction.
- LD12. (G) Upon approval of the [tentative tract map and conditional use permit](#) by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

#### Prior to Grading Plan Approval or Grading Permit

- LD13. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD14. (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 and sight distance control 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.
- LD15. (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.
- LD16. (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.
- LD17. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD18. (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.
- LD19. (GP) Prior to issuance of a grading permit, if the project does not involve the subdivision of land and 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.
- LD20. (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)
- LD21. (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.
- LD22. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.



### Prior to Map Approval or Recordation

- LD23. (MA) Prior to approval of the 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. 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.
- LD24. (MA) Prior to approval of the map, all street dedications on Eucalyptus Avenue 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. All map interior streets are private streets and shall be retained by the owner, his successors, and assigns.
- LD25. (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.
- LD26. (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.
- LD27. (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)
- LD28. (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. 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.
  - 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.
  - f. 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.
- g. 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. (California Government Code & Municipal Code)

LD29. (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)

LD30. (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

LD31. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD32. (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)

LD33. (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.

LD34. (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.

LD35. (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 208 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. 706A, 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.
- LD36. (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.
- LD37. (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.
- LD38. (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.
- LD39. (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)
- LD40. (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)
- LD41. (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)

- LD42. (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 permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD43. (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.
- LD44. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.
- LD45. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

#### Prior to Building Permit

- LD46. (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)
- LD47. (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.
- LD48. (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.
- LD49. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:
- a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type

of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.

- b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
- c. The vendor(s) that the applicant proposes to use to haul the materials.
- d. Facility(s) the materials will be hauled to, and their expected diversion rates.
- e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

#### Prior to Certificate of Occupancy

LD50. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD51. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD52. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD53. (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, 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.

LD54. (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)

LD55. (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.

Prior to Acceptance of Streets into the City Maintained Road System

LD56. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system 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**

**LD57. Prior to final map approval or prior to issuance of a building permit if by separate instrument, the following easements shall be dedicated or retained by owner, his successors or assigns, as indicated below:**

- a. **Easements to the City of Moreno Valley for loop detectors at the project entrances, where required.**
- b. **Easements to Eastern Municipal Water District for water and/or sewer facilities at the project entrances as shown on the tentative tract map.**
- c. **Public storm drain easement to the City of Moreno Valley for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way.**

- d. Private sewer easement to Eastern Municipal Water District for sewer purposes from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way.
  - e. Private sewer and water easements to Eastern Municipal Water District for proposed onsite sewer and water lines on proposed private streets throughout the project site coinciding with private sewer and water line alignments.
  - f. Private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Breccia Way, across Lot 49 and Lot P, to its outlet as shown on the tentative tract map.
  - g. Public storm drain easement to the City of Moreno Valley for storm drain line improvements along Lot 29 as shown on the tentative tract map.
  - h. Public storm drain easement to the City of Moreno Valley for storm drain line improvements within Painted Rock Drive as shown on the tentative tract map.
  - i. Private drainage easement retained by owner, his successors and assigns for open channel gutter improvements along most of the east tract boundary as shown on the tentative tract map.
  - j. Private streets retained by owner, his successors and assigns for general vehicular access with alignments as shown on the tentative tract map.
  - k. Public emergency vehicle access easement to the City of Moreno Valley for emergency vehicle access on private streets.
  - l. Lettered lots retained by owner, his successors and assigns for the purposes as indicated on the tentative tract map.
- LD58.** Prior to final map approval, the map shall include a four-foot pedestrian right-of-way dedication behind driveway approaches at the project entrances along Eucalyptus Avenue per City Standard No. 118C. Driveway approaches shall be constructed per City Standard No. 118C. No decorative pavers shall be placed within the public right-of-way.
- LD59.** Prior to precise grading plan approval, the plan 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. The developer will be required to obtain the necessary permission for offsite construction including easements.
- LD60.** Prior to precise grading plan approval, the plan shall show proposed private interior street grades at 1% minimum or as otherwise approved by the City Engineer and per the typical private drive street section as shown on the tentative tract map.
- LD61.** Prior to precise grading plan approval, the plans shall show proposed mechanisms to treat onsite runoff before it enters into the public storm

drain system. The plans shall show locations of proposed structural best management practices. The developer shall submit to the City for review and approval, those structural best management practices proposed onsite to control predictable pollutant runoff. The developer shall select those structural best management practices identified in Supplement A and Supplement A Attachment to the Riverside County Drainage Area Management Plans. [www.floodcontrol.co.riverside.ca.us](http://www.floodcontrol.co.riverside.ca.us) The developer shall first maximize the use of site design and source control best management practices before selecting treatment control best management practices.

- LD62.** Prior to precise grading plan approval, the plan shall clearly show the extents of all existing easements on the property. All building structures shall be constructed outside of existing easements.
- LD63.** Prior to issuance of building permits, this project shall cause the quitclaim or abandonment of all existing easements, especially those easements underneath proposed building footprints. This shall include, but not be limited to, the existing drainage easement affecting Lots 189-191.
- LD64.** Prior to issuance of building permits, the applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way on Eucalyptus Avenue along project frontage. The applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards. 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.
- LD65.** Prior to issuance of building permits, if the final map has not already addressed the following map boundary adjustment, a lot line adjustment shall be submitted for review and approval for the purposes of adjusting the lot boundary for the lot located at the southeast corner of Graphite Drive and Eucalyptus Avenue. As shown on the tentative tract map there is a two-foot strip of land belonging to said lot along the "Not A Part" frontage that separates the "Not A Part" lot from the Eucalyptus Avenue right-of-way.
- LD66.** Prior to issuance of occupancy, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.



TTM 36340 (PA10-0038)  
CUP (PA10-0039)  
274 small lot single family Planned Unit Development (PUD)  
South side of Eucalyptus Avenue (Fir Avenue to Graphite Drive)

**Transportation Engineering Division – Conditions of Approval**

**General Comments:**

- TE1. Access from Graphite Drive to Eucalyptus Avenue shall be restricted to right in / right out turning movements. Access restriction shall be accomplished with the construction of a raised median, traffic control signing, and center treatment to match existing conditions to the satisfaction of the City Traffic Engineer.
- TE2. All proposed on-site traffic control should be accordance with the 2010 California Manual on Uniform Traffic Control Devices (CAMUTCD).

**Prior to Tentative Map approval:**

- TE3. Applicant shall perform a sight distance analysis that demonstrates adequate sight distance is provided along street frontages in accordance with City Standard Plans. Analysis shall take into consideration proposed driveways, intersecting streets, vertical elevation changes, and curvilinear alignments to the satisfaction of the City Traffic Engineer.
- TE4. To accommodate entry monumentation / full height landscaping at all driveways and intersecting roadways, there shall be a minimum of eight feet of additional right of way easement dedication behind required sight lines in accordance with an approved sight distance analysis. All block walls shall be constructed outside of this easement area.

**Prior to the issuance of building permits:**

- TE5. Traffic signal modification plans shall be prepared by a registered civil engineer for the following intersections:
  - 1. Eucalyptus Avenue and Feldspar Drive
  - 2. Eucalyptus Avenue and Fir Avenue

Additional on-site and off-site right-of-way and/or easements may be required to accommodate any traffic signal equipment. Additional equipment may include, but not be limited to, the following: signal poles, controller cabinets, loop detectors, signage, pull-boxes, and conduits.

- TE6. A street improvement plan shall be prepared by a registered civil engineer for the construction of a raised median at the following intersection:
  - 1. Eucalyptus Avenue and Graphite Drive
- TE7. A signing and striping modification plan shall be prepared by a registered civil or traffic engineer to provide a westbound left turn pocket at the following intersection:
  - 1. Eucalyptus Avenue and Fir Avenue

**Prior to the issuance of certificate of occupancies:**

- TE8. Traffic signal interconnect shall be installed along the entire project frontage of Eucalyptus Avenue to the satisfaction of the City Traffic Engineer.
- TE9. All required traffic signal, signing, striping, and median modifications on Eucalyptus Avenue shall be approved and implemented to the satisfaction of the City Traffic Engineer.

**CITY OF MORENO VALLEY**  
**CONDITIONS OF APPROVAL**  
Case No: PA10-0038 (TTM 36340) and PA10-0039 (CUP)  
APNs: 488-090-025, -027, -028, -031, -053, -061, -073, -077, and -078  
02.14.11 revised

**PUBLIC WORKS DEPARTMENT**

**Special Districts Division**

**Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering.** All other conditions are standard to all or most development projects.

**Acknowledgement of Conditions**

The following items are Special Districts' Conditions of Approval for project **PA10-0038**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' 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 Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

**General Conditions**

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges 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 Moreno Valley Community Services District **Zone E**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.
  
- SD-3 In the event the Moreno Valley Community Services District determines that funds authorized by Proposition 218 mail ballot proceeding are insufficient to meet the costs for parkway, slope, and/or open space maintenance and utility charges (**Zone E**), the District shall have the right, at its option, to terminate the grant of any or all parkway, slope, and/or open space maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit

claim and abandon the property so conveyed to the District, and to revert to the developer or the developer's successors in interest, all rights, title, and interest in said parkway, slope, and/or open space areas, including but not limited to responsibility for perpetual maintenance of said areas.

- SD-4 The developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.
- SD-5 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.
- SD-6 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)
- SD-7 Inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

#### **Prior to Recordation of Final Map**

- SD-8 (R) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) 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 developer 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 Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map. (California Government Code)
- SD-9 (R) This project is conditioned to install and maintain parkway/median landscape. The Developer's responsibility is to provide a funding source for the capital improvements and the continued maintenance of the landscaped area. In order for the Developer to meet the financial responsibility to maintain the defined services, one of the following options shall be selected:

- a. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Moreno Valley Community Services District extensive parkway/median landscape program maintenance for **Zone E-12**, and pay all associated costs with the ballot process; or
- b. Establish a Home Owners Association (HOA) to maintain the landscaped area; or
- c. Establish an endowment to cover the future landscape program maintenance costs of the landscaped area.

The Developer must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

SD-10 (R) **For areas maintained by the Community Services District**, easements for reverse frontage parkway and slope landscape areas abutting **Eucalyptus Ave.** shall be **10ft** or to top of parkway facing slope, whichever is greater. Easements shall be dedicated to the City Moreno Valley for landscape maintenance purposes, and shall be depicted on the final map, and an offer of their dedication made thereon.

SD-11 (R) All necessary documents to convey to the District any required easements for parkway and/or slope maintenance as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer prior to the recordation of the final map.

### **Prior to Building Permit Issuance**

SD-12 (BP) This project has been identified to 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 the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD-13 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development

Department–Planning Division, and the Public Works Department–Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

- SD-14 (BP) Parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of 25% (or 69) of the dwelling permits for this tract or 12 months from the issuance of the first dwelling permit, whichever ever comes first. In cases where a phasing plan is submitted, the actual percentage of dwelling permits issued prior to the completion of the landscaping shall be subject to the review of the construction phasing plan.

### **Prior to Certificate of Occupancy**

- SD-15 (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.
- SD-16 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.
- SD-17 (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit, in a form acceptable to Special Districts, the current list of all Assessor's Parcel Numbers assigned to the recorded map. Please forward to:

City of Moreno Valley  
Special Districts  
14325 Frederick Street, Suite 9  
P.O. Box 88005  
Moreno Valley, CA 92552-0805

**CITY OF MORENO VALLEY**  
**CONDITIONS OF APPROVAL**  
**Case No: PA10-0038 and PA10-0039(Beazer Homes)**  
**APN: 477-130-073**  
**2.1.11**

**PUBLIC WORKS DEPARTMENT**

**Moreno Valley Utility**

**Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering.** All other conditions are standard to all or most development projects.

**Acknowledgement of Conditions**

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA10-0038 and PA10-0039; 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 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

**PRIOR TO RECORDATION OF FINAL MAP**

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 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.

**PRIOR TO ISSUANCE OF BUILDING PERMIT**

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution:** Prior to issuance of building permit, 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, resistors, amplifiers, 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. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

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. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

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. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).



**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
FOR TRACT MAP 36340  
Case No. PA10-38/39**

**PARKS AND COMMUNITY SERVICES DEPARTMENT**

**PR-1** Within the project, the developer shall show all existing easements for multi-use trails on the Tentative Tract Map, Final Map, Rough Grading Plan and Precise Grading Plans. The trail shall be identified on each of these plans with the associated tract number and instrument number of the recorded easement. New construction shall not interfere with the existing multi-use trail, without security posted and right-of-entry authorization from Parks and Community Services.

**PR-2 Parks and Community Services Standard Conditions:**

- a. A restriction shall be placed on lots that back up to City/CSD owned or maintained parks, bikeways, and landscaped areas, preventing openings or gates accessing the City/CSD owned or maintained property. This shall be performed 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 designee prior to the recordation of the Final Map.
- b. The following plans require Parks and Community Services 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.
- c. A detailed rough grading and profiled rough grading plan for the bikeway shall be submitted and approved by the Director of Parks and Community Services or his designee prior to the issuance of grading permits.
- d. Prior to the approval of the Final Map, detailed plans for the conditioned improvements shall be submitted to the Parks and Community Services Department for review and written approval.
- e. Prior to recordation of the Final Map, the developer shall post security to guarantee construction or modification of parks, trails and/or bikeways to City. Copies of said documentation shall be provided to Parks and Community Services prior to the approval of the Final Map.
- f. Detailed final plans (mylars and AutoCAD file on a CD-ROM) 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 designee, prior to the issuance of any building permits for production units. All plans are to include a grid showing grade changes.
- g. Applicable CSD Zone 'A' plan check and inspection fees shall be paid prior to plan approval of Final Map.

**PR-3** This tract is subject to current Development Impact Fees at time of building finals or occupancy.

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RESOLUTION NO. 2011-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING APPROVAL Of PA10-0039 (CONDITIONAL USE PERMIT) FOR A PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, INCLUDING VARIOUS NUMBERED AND LETTERED LOTS TO INCLUDE, COMMON OPEN SPACE AND A COMMUNITY RECREATION BUILDING ON AN APPROXIMATELY 29 GROSS ACRE PARCEL OF LAND WITHIN THE R15 (RESIDENTIAL – 15) AND OS (OPEN SPACE) LAND USE DISTRICTS**

**WHEREAS**, The applicant, Beazer Homes, has filed an application for the approval of PA10-0039 for the a conditional use permit (CUP) and Planned Unit Development (PUD) on an approximate 29 acre parcel of land for a proposed 275 single-family residential development, including various lettered lots for common open space including a community center, private open space lot and drainage basin. The project is located in the R15 (Residential-15) and OS (Open Space) land use districts. The project will also include a Tentative Tract Map (TTM) for a proposed subdivision of land (PA10-0038) and PA10-0029) a development agreement, which will be reviewed by a separate resolution. The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

**WHEREAS**, on February 24, 2011 the Planning Commission conducted a public hearing to review a Conditional Use Permit (CUP) in conjunction with a proposed Planned Unit Development (PUD).

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

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

**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**, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically 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 February 24, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically 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:** Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed detached single-family residential project consisting of a Planned Unit Development (PUD). The proposed CUP is consistent with the General Plan policies, including conformance with the proposed R15 (Residential -15) land use designation and the associated Planned Unit Development (PUD) density of between 12 and 15 dwelling units per acre under the zoning classification. The proposed project and density is also consistent with the land use map and Municipal Code. As allowed under the proposed PUD, specific land use deviations will occur for lot area, lot dimensions, maximum floor area, lot coverage, minimum setback distance from buildings, Floor Area Ratio (FAR) and all setbacks. Lots will range from between 1,846 square feet to 3,181 square feet.

2. **Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.**

**FACT:** The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed overall density for the subject site is approximately eleven (11) units per acre, which does not exceed the maximum fifteen (15) units per acres. In addition, as permitted within Section 9.03.060 of the Municipal Code, proposed changes to or deviations from development code requirements include, but are not limited to a lot size, lot width, lot depth, interior side yard, street side yard, maximum lot coverage, and minimum setback distance between buildings.

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:** As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. Other than weedy vegetation and a drainage basin adjacent in an OS (Open Space) district, there is no further vegetation on the site or any vegetation that would warrant habitat for threatened or endangered species. Therefore, a determination was made with the original project and environmental document that any impacts of the project on biological resources were less than significant. As included in Section 15162 of the CEQA Guidelines, no substantial changes have occurred from the original project which would require major revisions of the prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land. As conditioned and designed, the proposed tract map would not cause serious health problems or significant environmental impacts.

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 updated residential project is consistent in density and design with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail uses directly to the east and across Eucalyptus Avenue to the north.

5. **Redevelopment Plan – The project conforms with any applicable provisions of the city's redevelopment plan.**

**FACT:**The proposed project would not conflict with the city's redevelopment plan, including the objective contained within Section 421 to create an attractive and pleasant environment for the project area. The proposed residential land uses proposed for the site will be compatible with the existing residential character provided west and south of the subject site. Furthermore, the proposed project would be consistent with the redevelopment plan,

since the plan defers to the city's Municipal Code with respect to land use restrictions and development standards.

**C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS**

1. 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, 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 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 PA10-0039 incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. 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. 2011-06, recognizing that the proposed project qualifies for an Addendum to a Negative Declaration, and approving PA10-0039, a Planned Unit Development (PUD) for the subdivision of a 29 gross acre parcel of land into 275 residential single-family lots and various lettered lots to include common open space areas and a community recreation building within the Residential 15 (R15) and Open Space (OS) land use districts, subject to the attached conditions of approval and allowable development deviations included as Exhibits A and B.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Rick DeJong  
Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
John C. Terell, Planning Official  
Secretary to the Planning Commission

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Attached: Conditions of Approval

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**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT  
PA10-0039**

**APN: 488-090-077, 061, 025, 028, 078, 031, 053, 073 (tract), 488-090-026 (water basin), 488-090-027 (private open space lot)**

**APPROVAL DATE:**  
**EXPIRATION DATE:**



- 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 Engineering (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.

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning Division**

**GENERAL CONDITIONS**

- P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
  
- P2. In the event the use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. (MC 9.02.260)

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**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 / ct	

**PLANNING DIVISION  
CONDITIONS OF APPROVAL  
PA10-0039  
PAGE 2**

- P3. 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 City Planning Official. (MC 9.14.020)
- P4. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P5. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.
- P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P7. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)
- P8. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

**Special Conditions**

- P9. The approval of the conditional use permit (CUP) under PA10-0038 shall be in conjunction with PA10-0039 (Tentative Tract Map No. 36340) and shall remain in affect at all times.**
- P10. Based on the requirements provided under Section 9.03.060 of the Municipal Code, Planned Unit Developments may deviate from the site development standards set forth in the applicable zoning district including lot area, lot dimensions, lot coverage, setbacks and building height. All standard deviations from the existing R15 land use districts for Tentative Tract Map No. 36340 are included in chart form and attached to this set of conditions.**

- P11. Minimum lot size shall is 1,800 square feet for the tract.
- P12. Entrances to the tract shall include decorative pavers or decorative stamped concrete subject to the approval of the Community and Economic Development Director.
- P13. All proposed homes shall include automatic roll up garage doors.
- P14. All lots within Tract 36340 shall provide front yard landscape, irrigation and street trees to the satisfaction of the Community and Economic Development Director. Although street trees cannot be placed on internal streets adjacent to unit garages, an equal number of these required street trees shall be placed at prominent internal locations such as street corners, adjacent to guest parking areas and within general common areas to the satisfaction of the director.
- P15. A minimum of eleven (11) footprints and four (4) elevations shall be included within the proposed project.
- P16. There shall be no general pedestrian access granted to the drainage area on Lot B (Detention Basin) and limited access granted to pedestrians only on Lot A (Private Open Space lot) containing natural rock outcroppings.
- P17. Pedestrian gated entrances/exits shall be provided for all access points (Fir Avenue, Feldspar Drive and Graphite Drive) to provide required pedestrian access to the surrounding shopping centers.
- P18. As the site is proposed for 275 residential lots, 138 guest parking stalls are required at all times.
- P19. All proposed single-family home elevations are approved conceptually by the Planning Commission, with final approval from the Community and Economic Development Director based on review and approval of a model home complex application.
- P20. All motorize vehicles, except for law enforcement/fire and maintenance vehicles, shall be prohibited from entering Lot A, a natural open space lot containing rock outcroppings. Lot A shall be void of any future development.

**PLANNING DIVISION  
CONDITIONS OF APPROVAL  
PA10-0039  
PAGE 4**

- P21. (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 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).

- P22. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P23. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division and the Transportation Division of Public Works for review and approval.**
- P24. (GP) Prior to approval of any grading permit, local and master-planned multi-use trail easements shall be shown in accordance with the City's Master Trail Plan.**
- P25. (GP) Prior to issuance of any grading permits, rock outcroppings or aesthetic features shall be identified on the grading plans as preserved in place, relocated, transplanted or otherwise protected. Features to be protected shall be identified and designated on the grading plan. (DG)**
- P26. (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 six (6) foot high solid decorative block perimeter wall**

with pilasters and a cap shall be required adjacent to the commercial project to the east and along Eucalyptus Avenue. Some wrought iron fencing with pilasters is allowed adjacent to common areas along Eucalyptus.

- B. Maximum six (6) foot high open wrought iron or tubular steel fencing is required adjacent to all open space and view lot areas.
  - C. Fences and walls placed between residential parcels shall be constructed of wood, poly vinyl, decorative metal, decorative block or other durable material as approved by the Community and Economic Development Director.
  - D. All fences/wall adjacent to streets or rights-of-way shall be constructed of decorative metal rail, decorative block or other decorative material as approved by the Community and Economic Development Director.
  - E. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
  - F. A six (6) foot high combination wall with pilasters is required at top of slope along an open space area or adjacent to a park.
  - G. A decorative block wall shall be provided along the street side for corner lots.
  - H. Non-combustible fencing is required for all lots adjacent to all fuel modification zones, subject to the approval of the Fire Prevention Bureau.
  - I. A decorative wrought iron or tubular steel fence or other fence or wall approved by the Community Development Director is required at the top of drainage basin slopes to fully secure said entities.
- P27. (GP) Prior to the issuance of grading permits, the final phase of a Burrowing Owl Study shall be completed, submitted to, and approved by Planning Division.
- P28. (GP) Prior to a precise grading permit, landscape (trees, shrubs and groundcover) and irrigation plans shall be submitted for review, including all maintained by the HOA, and required for the sides and or slopes of all detention basins and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. A decorative wrought iron or tubular steel fence or other fence or wall approved by the Community and Economic Development Director is required at the top of basin slopes to fully secure said entities.

**PLANNING DIVISION  
CONDITIONS OF APPROVAL  
PA10-0039  
PAGE 6**

- P29. (GP) Prior to issuance of precise grading permits, final front and street side yard landscape and irrigation plans, including but not limited to, perimeter and typical street tree landscape, shall be submitted to the Planning Division for review. **Vines or vine pockets shall be provided adjacent to project perimeter walls subject to the approval of the Community and Economic Development Director.** The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees.

**PRIOR TO BUILDING PERMITS**

- P30. (BP) Prior to issuance of building permits, the Community Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)
- P31. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)
- P32. (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)
- P33. (BP) Prior to issuance of building permits, final landscaping and irrigation**

plans shall be reviewed and approved by to the Community Development Department - Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. 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 Standards and Specifications and shall include:

- A. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
  - B. The Eucalyptus Nicolii tree species required adjacent to Eucalyptus Avenue shall be spaced at a minimum of 40 foot on center in addition to one (1) tree per 500 square feet of landscape area.
  - C. Enhanced landscaping shall be included at all driveway and corner locations
  - D. Street trees are also required at one (1) per lot, while shade trees are required at one (1) per lot. Street trees unable to be placed directly adjacent to the streetscape and garages shall be placed in an equal number on site strategically at prominent internal locations such as street corners, adjacent to guest parking areas and within general common areas to the satisfaction of the director.
  - E. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines).
  - F. Landscape (trees, shrubs and groundcover) and irrigation shall be required for the sides and or slopes of all detention basins and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas.
  - G. Landscaping for detention basins shall be maintained by a Homeowner's Association.
- P34. (BP/CO) Landscape (trees, shrubs and groundcover) and irrigation installed and maintained by the HOA, shall be reviewed and approved by the Community and Economic Development Department. Landscape/irrigation shall be required for the sides and or slopes of all detention basins and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. A decorative wrought iron or tubular steel fence or other fence or wall approved by the Community Development Director is required at the top of basin slopes to fully secure said entities.
- P35. (BP) Prior to approval of any building permits, enhanced window and door treatments shall be included on the approved plans for all homes having side

and/or reverse frontages to public streets or open space areas. For example, additional architectural embellishments including, shall be included on those homes adjacent or in view of Eucalyptus Avenue and on all corner lots within the subdivision, subject to the approval of the Community and Economic Development Director.

- P36. (BP) Prior to the issuance of building permits, the plot plan shall include decorative concrete pavers for all driveway ingress/egress locations for the project, while said items shall be reviewed and approved by the Community Development Department- Planning Division.
- P37. (BP) Prior to the approval of any building permits, traffic calming devices such as raised landscaped areas and/or expanded curbs at interior intersections to minimize traffic speeds (chocker intersections) shall be reviewed subject to the approval of the Community and Economic Development Department and the City Traffic Engineer.
- P38. (BP) Prior to approval of any building permits, all garages shall be provided at 20x20 in dimension, void of any appurtenant structures such as water heaters, washer/dryers.

**PRIOR TO CERTIFICATE OF OCCUPANCY**

- P39. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)
- P40. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community Development Department – Planning Division. (MC 9.080.070).
- P41. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans, and shall include:
- A. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
  - B. The Eucalyptus Nicolii tree species required adjacent to Eucalyptus Avenue shall be spaced at a minimum of 40 foot on center in addition to one (1) tree per 500 square feet of landscape area.



- C. Enhanced landscaping shall be included at all driveway and corner locations
- D. Street trees are required at one (1) per lot, while shade trees are required at one (1) per lot. Street trees unable to be placed directly adjacent to the streetscape and garages shall be placed in an equal number strategically at prominent internal locations such as street corners, adjacent to guest parking areas and within general common areas to the satisfaction of the director.
- E. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines).
- F. Landscape (trees, shrubs and groundcover) and irrigation shall be required for the sides and or slopes of all detention basins and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas.
- G. Landscaping for detention basins maintained by a Homeowner's Association.
- H. Site clean-up shall be completed.

#### **Building and Safety Division**

- B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall be submitted to the Building Department as a separate submittal. The 2010 edition of the California Codes will be effective for all permits issued after January 1, 2011.

#### **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  
CONDITIONS OF APPROVAL  
Case No: PA10-0038,0039  
APN: 477-130-073  
DATE: 2/9/10**

**FIRE PREVENTION BUREAU**

- 1. This project is in the wildland urban interface area. Construction requirements of CFC Ch. 47 and CBC Ch.7A shall apply.**
- 2. All homes in this development shall be provided with fire sprinklers.**
- 3. The following Standard Conditions shall apply.**

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. 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.
- F2. 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 B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 1500 GPM 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 508.3, Appendix B and MVMC 8.36.100 Section D) .
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 1/2" x 2 1/2" ) shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)
- F4. 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 508.3 MVMC 8.36.050 and 8.36.100 Section E).
- F5. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.1)
- F6. 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)
- F7. 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. (MVMC 8.36.050 and CFC 501.3)
- F8. 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 MVMC 8.36.050 Section A)
- F9. 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 503.2.1.1 and MVMC 8.36.050)
- F10. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)
- F11. 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 and MVMC 8.36.050 Section A)
- F12. 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 501.3 and MVMC 8.36.050)
- F13. 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 and MVMC 8.36.050)
- F14. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

- F15. 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 Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

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 508.1 and MVMC 8.36.100)

- F16. 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 510.1)
- F17. 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 and shall be low voltage lighted fixtures. (CFC 505.1)
- F18. Prior to Certificate of Occupancy or Building Final, all structures shall have fire retardant roofing materials (Class A roofs) as described in CBC Chapter 7A and CFC Chapter 47.
- F19. 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)
- F20. 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. The Knox-Box shall be supervised by the alarm system and 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)

- F21. Prior to issuance of Building Permits, fuel modification plans shall be submitted to the Fire Prevention Bureau for review and approval for all open space areas adjacent to the wildland vegetation interface. (CFC Chapter 47)
- F22. Prior to issuance of Building Permits, plans for structural protection from vegetation fires shall be submitted to the Fire Prevention Bureau for review and approval. Measures shall include, but are not limited to: noncombustible barriers (cement or block walls), fuel modification zones, etc. (CFC Chapter 47)
- F23. 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 503.2.7 and MVMC 8.36.050 Section I)
- F24. 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 8.36.050)
- F25. Prior to construction, "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 8.36.050)
- F26. 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.
- F27. 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 14 & CBC Chapter 33)
- F28. 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 106)
- F29. 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 106)

- F30. 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 104)
- F31. 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 102.7)
- F32. 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 Appendix Chapter 1)
- F33. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F34. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F35. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

**FIRE FLOW LETTER**

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<b>Date:</b> 11/18/10	<b>Address:</b>	
<hr/>	<hr/>	<hr/>
<b>Case Number:</b> PA10-0038	<b>A.P.N.:</b>	477-130-073
<hr/>	<hr/>	<hr/>

This is certification the water system is capable of meeting the following required fire flows as determined by the California Fire Code Appendix B.

Based on the information provided on the above referenced case. The fire flow required for this project will be \_\_\_1500\_\_\_ G.P.M. for duration of \_\_\_2\_\_\_-HOURS measured at 20-psi residual 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.

**Applicant/  
Developer:** \_\_\_\_\_

**By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**WATER AGENCY APPROVAL**

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**Name of Agency:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**By:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**NOTE: THE COMPLETION AND SUBMITTAL OF THIS LETTER TO THE FIRE PREVENTION BUREAU SHALL NOT BE CONSTRUED AS APPROVAL FOR THE INSTALLATION OF THE REQUIRED FIRE HYDRANT (S) AND/OR WATER SYSTEM.**

**CITY OF MORENO VALLEY  
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION  
CONDITIONS OF APPROVAL  
PA10-0038 TTM 36340  
PA10-0039 Conditional Use Permit  
Single-Family Residential Planned Unit Development  
APN 477-130-073 et. al.**

**Note:** All Special Conditions are in **Bold** lettering and follow the standard conditions.

**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.

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 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 and conditional use permit](#) 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 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.
- 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 with City Standard No. 303. No over the sidewalk drainage shall be allowed. All drainage shall be directed to drainage devices located outside the private street travelled way. (MC 9.14.110)

- LD10. (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.
- 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 plan sets and the approved plans shall be available in the field during grading and construction.
- LD12. (G) Upon approval of the [tentative tract map and conditional use permit](#) by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

#### Prior to Grading Plan Approval or Grading Permit

- LD13. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD14. (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 and sight distance control 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.
- LD15. (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.
- LD16. (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.
- LD17. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD18. (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.
- LD19. (GP) Prior to issuance of a grading permit, if the project does not involve the subdivision of land and 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.
- LD20. (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)
- LD21. (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.
- LD22. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

### Prior to Map Approval or Recordation

- LD23. (MA) Prior to approval of the 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. 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.
- LD24. (MA) Prior to approval of the map, all street dedications on Eucalyptus Avenue 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. All map interior streets are private streets and shall be retained by the owner, his successors, and assigns.
- LD25. (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.
- LD26. (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.
- LD27. (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)
- LD28. (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. 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.
  - 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.
  - f. 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.
- g. 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. (California Government Code & Municipal Code)

LD29. (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)

LD30. (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

LD31. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD32. (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)

LD33. (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.

LD34. (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.

LD35. (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 208 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. 706A, 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.
- LD36. (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.
- LD37. (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.
- LD38. (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.
- LD39. (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)
- LD40. (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)
- LD41. (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)

- LD42. (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 permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)
- LD43. (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.
- LD44. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.
- LD45. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

#### Prior to Building Permit

- LD46. (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)
- LD47. (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.
- LD48. (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.
- LD49. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:
- a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type

of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.

- b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
- c. The vendor(s) that the applicant proposes to use to haul the materials.
- d. Facility(s) the materials will be hauled to, and their expected diversion rates.
- e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

#### Prior to Certificate of Occupancy

LD50. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD51. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD52. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD53. (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, 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.

LD54. (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)

LD55. (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.

#### Prior to Acceptance of Streets into the City Maintained Road System

LD56. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system 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

**LD57. Prior to final map approval or prior to issuance of a building permit if by separate instrument, the following easements shall be dedicated or retained by owner, his successors or assigns, as indicated below:**

- a. **Easements to the City of Moreno Valley for loop detectors at the project entrances, where required.**
- b. **Easements to Eastern Municipal Water District for water and/or sewer facilities at the project entrances as shown on the tentative tract map.**
- c. **Public storm drain easement to the City of Moreno Valley for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way.**

- d. Private sewer easement to Eastern Municipal Water District for sewer purposes from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way.
  - e. Private sewer and water easements to Eastern Municipal Water District for proposed onsite sewer and water lines on proposed private streets throughout the project site coinciding with private sewer and water line alignments.
  - f. Private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Breccia Way, across Lot 49 and Lot P, to its outlet as shown on the tentative tract map.
  - g. Public storm drain easement to the City of Moreno Valley for storm drain line improvements along Lot 29 as shown on the tentative tract map.
  - h. Public storm drain easement to the City of Moreno Valley for storm drain line improvements within Painted Rock Drive as shown on the tentative tract map.
  - i. Private drainage easement retained by owner, his successors and assigns for open channel gutter improvements along most of the east tract boundary as shown on the tentative tract map.
  - j. Private streets retained by owner, his successors and assigns for general vehicular access with alignments as shown on the tentative tract map.
  - k. Public emergency vehicle access easement to the City of Moreno Valley for emergency vehicle access on private streets.
  - l. Lettered lots retained by owner, his successors and assigns for the purposes as indicated on the tentative tract map.
- LD58.** Prior to final map approval, the map shall include a four-foot pedestrian right-of-way dedication behind driveway approaches at the project entrances along Eucalyptus Avenue per City Standard No. 118C. Driveway approaches shall be constructed per City Standard No. 118C. No decorative pavers shall be placed within the public right-of-way.
- LD59.** Prior to precise grading plan approval, the plan 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. The developer will be required to obtain the necessary permission for offsite construction including easements.
- LD60.** Prior to precise grading plan approval, the plan shall show proposed private interior street grades at 1% minimum or as otherwise approved by the City Engineer and per the typical private drive street section as shown on the tentative tract map.
- LD61.** Prior to precise grading plan approval, the plans shall show proposed mechanisms to treat onsite runoff before it enters into the public storm

drain system. The plans shall show locations of proposed structural best management practices. The developer shall submit to the City for review and approval, those structural best management practices proposed onsite to control predictable pollutant runoff. The developer shall select those structural best management practices identified in Supplement A and Supplement A Attachment to the Riverside County Drainage Area Management Plans. [www.floodcontrol.co.riverside.ca.us](http://www.floodcontrol.co.riverside.ca.us) The developer shall first maximize the use of site design and source control best management practices before selecting treatment control best management practices.

- LD62. Prior to precise grading plan approval, the plan shall clearly show the extents of all existing easements on the property. All building structures shall be constructed outside of existing easements.
- LD63. Prior to issuance of building permits, this project shall cause the quitclaim or abandonment of all existing easements, especially those easements underneath proposed building footprints. This shall include, but not be limited to, the existing drainage easement affecting Lots 189-191.
- LD64. Prior to issuance of building permits, the applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way on Eucalyptus Avenue along project frontage. The applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards. 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.
- LD65. Prior to issuance of building permits, if the final map has not already addressed the following map boundary adjustment, a lot line adjustment shall be submitted for review and approval for the purposes of adjusting the lot boundary for the lot located at the southeast corner of Graphite Drive and Eucalyptus Avenue. As shown on the tentative tract map there is a two-foot strip of land belonging to said lot along the "Not A Part" frontage that separates the "Not A Part" lot from the Eucalyptus Avenue right-of-way.
- LD66. Prior to issuance of occupancy, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.

TTM 36340 (PA10-0038)  
CUP (PA10-0039)  
274 small lot single family Planned Unit Development (PUD)  
South side of Eucalyptus Avenue (Fir Avenue to Graphite Drive)

**Transportation Engineering Division – Conditions of Approval**

**General Comments:**

- TE1. Access from Graphite Drive to Eucalyptus Avenue shall be restricted to right in / right out turning movements. Access restriction shall be accomplished with the construction of a raised median, traffic control signing, and center treatment to match existing conditions to the satisfaction of the City Traffic Engineer.
- TE2. All proposed on-site traffic control should be accordance with the 2010 California Manual on Uniform Traffic Control Devices (CAMUTCD).

**Prior to Tentative Map approval:**

- TE3. Applicant shall perform a sight distance analysis that demonstrates adequate sight distance is provided along street frontages in accordance with City Standard Plans. Analysis shall take into consideration proposed driveways, intersecting streets, vertical elevation changes, and curvilinear alignments to the satisfaction of the City Traffic Engineer.
- TE4. To accommodate entry monumentation / full height landscaping at all driveways and intersecting roadways, there shall be a minimum of eight feet of additional right of way easement dedication behind required sight lines in accordance with an approved sight distance analysis. All block walls shall be constructed outside of this easement area.

**Prior to the issuance of building permits:**

- TE5. Traffic signal modification plans shall be prepared by a registered civil engineer for the following intersections:
1. Eucalyptus Avenue and Feldspar Drive
  2. Eucalyptus Avenue and Fir Avenue

Additional on-site and off-site right-of-way and/or easements may be required to accommodate any traffic signal equipment. Additional equipment may include, but not be limited to, the following: signal poles, controller cabinets, loop detectors, signage, pull-boxes, and conduits.

- TE6. A street improvement plan shall be prepared by a registered civil engineer for the construction of a raised median at the following intersection:
1. Eucalyptus Avenue and Graphite Drive
- TE7. A signing and striping modification plan shall be prepared by a registered civil or traffic engineer to provide a westbound left turn pocket at the following intersection:
1. Eucalyptus Avenue and Fir Avenue

**Prior to the issuance of certificate of occupancies:**

- TE8. Traffic signal interconnect shall be installed along the entire project frontage of Eucalyptus Avenue to the satisfaction of the City Traffic Engineer.
- TE9. All required traffic signal, signing, striping, and median modifications on Eucalyptus Avenue shall be approved and implemented to the satisfaction of the City Traffic Engineer.

**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
Case No: PA10-0038 (TTM 36340) and PA10-0039 (CUP)  
APNs: 488-090-025, -027, -028, -031, -053, -061, -073, -077, and -078  
02.14.11 revised**

**PUBLIC WORKS DEPARTMENT**

**Special Districts Division**

**Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering.** All other conditions are standard to all or most development projects.

**Acknowledgement of Conditions**

The following items are Special Districts' Conditions of Approval for project **PA10-0038**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' 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 Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

**General Conditions**

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges 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 Moreno Valley Community Services District **Zone E**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.
  
- SD-3 In the event the Moreno Valley Community Services District determines that funds authorized by Proposition 218 mail ballot proceeding are insufficient to meet the costs for parkway, slope, and/or open space maintenance and utility charges (**Zone E**), the District shall have the right, at its option, to terminate the grant of any or all parkway, slope, and/or open space maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit

claim and abandon the property so conveyed to the District, and to revert to the developer or the developer's successors in interest, all rights, title, and interest in said parkway, slope, and/or open space areas, including but not limited to responsibility for perpetual maintenance of said areas.

- SD-4 The developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.
- SD-5 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.
- SD-6 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)
- SD-7 Inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

#### **Prior to Recordation of Final Map**

- SD-8 (R) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) 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 developer 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 Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map. (California Government Code)
- SD-9 (R) This project is conditioned to install and maintain parkway/median landscape. The Developer's responsibility is to provide a funding source for the capital improvements and the continued maintenance of the landscaped area. In order for the Developer to meet the financial responsibility to maintain the defined services, one of the following options shall be selected:

- a. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Moreno Valley Community Services District extensive parkway/median landscape program maintenance for **Zone E-12**, and pay all associated costs with the ballot process; or
- b. Establish a Home Owners Association (HOA) to maintain the landscaped area; or
- c. Establish an endowment to cover the future landscape program maintenance costs of the landscaped area.

The Developer must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

SD-10 (R) **For areas maintained by the Community Services District**, easements for reverse frontage parkway and slope landscape areas abutting **Eucalyptus Ave.** shall be **10ft** or to top of parkway facing slope, whichever is greater. Easements shall be dedicated to the City Moreno Valley for landscape maintenance purposes, and shall be depicted on the final map, and an offer of their dedication made thereon.

SD-11 (R) All necessary documents to convey to the District any required easements for parkway and/or slope maintenance as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer prior to the recordation of the final map.

### **Prior to Building Permit Issuance**

SD-12 (BP) This project has been identified to 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 the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD-13 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development



Department–Planning Division, and the Public Works Department–Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

- SD-14 (BP) Parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of 25% (or 69) of the dwelling permits for this tract or 12 months from the issuance of the first dwelling permit, whichever ever comes first. In cases where a phasing plan is submitted, the actual percentage of dwelling permits issued prior to the completion of the landscaping shall be subject to the review of the construction phasing plan.

### **Prior to Certificate of Occupancy**

- SD-15 (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.
- SD-16 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.
- SD-17 (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit, in a form acceptable to Special Districts, the current list of all Assessor's Parcel Numbers assigned to the recorded map. Please forward to:

City of Moreno Valley  
Special Districts  
14325 Frederick Street, Suite 9  
P.O. Box 88005  
Moreno Valley, CA 92552-0805

**CITY OF MORENO VALLEY**  
**CONDITIONS OF APPROVAL**  
**Case No: PA10-0038 and PA10-0039(Beazer Homes)**  
**APN: 477-130-073**  
**2.1.11**

**PUBLIC WORKS DEPARTMENT**

**Moreno Valley Utility**

**Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering.** All other conditions are standard to all or most development projects.

**Acknowledgement of Conditions**

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA10-0038 and PA10-0039; 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 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

**PRIOR TO RECORDATION OF FINAL MAP**

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 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.

**PRIOR TO ISSUANCE OF BUILDING PERMIT**

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution:** Prior to issuance of building permit, 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, resistors, amplifiers, 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. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

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. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

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. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
FOR TRACT MAP 36340  
Case No. PA10-38/39**

**PARKS AND COMMUNITY SERVICES DEPARTMENT**

**PR-1** Within the project, the developer shall show all existing easements for multi-use trails on the Tentative Tract Map, Final Map, Rough Grading Plan and Precise Grading Plans. The trail shall be identified on each of these plans with the associated tract number and instrument number of the recorded easement. New construction shall not interfere with the existing multi-use trail, without security posted and right-of-entry authorization from Parks and Community Services.

**PR-2 Parks and Community Services Standard Conditions:**

- a. A restriction shall be placed on lots that back up to City/CSD owned or maintained parks, bikeways, and landscaped areas, preventing openings or gates accessing the City/CSD owned or maintained property. This shall be performed 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 designee prior to the recordation of the Final Map.
- b. The following plans require Parks and Community Services 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.
- c. A detailed rough grading and profiled rough grading plan for the bikeway shall be submitted and approved by the Director of Parks and Community Services or his designee prior to the issuance of grading permits.
- d. Prior to the approval of the Final Map, detailed plans for the conditioned improvements shall be submitted to the Parks and Community Services Department for review and written approval.
- e. Prior to recordation of the Final Map, the developer shall post security to guarantee construction or modification of parks, trails and/or bikeways to City. Copies of said documentation shall be provided to Parks and Community Services prior to the approval of the Final Map.
- f. Detailed final plans (mylars and AutoCAD file on a CD-ROM) 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 designee, prior to the issuance of any building permits for production units. All plans are to include a grid showing grade changes.
- g. Applicable CSD Zone 'A' plan check and inspection fees shall be paid prior to plan approval of Final Map.

**PR-3** This tract is subject to current Development Impact Fees at time of building finals or occupancy.

*Beazer Homes - Tract 36340*  
*Rockcliffe at Stoneridge Ranch*  
*Site Development Standards Deviation Chart*

<b>Item No.</b>	<b>Item</b>	<b>Standard</b>	<b>Proposed</b>	<b>Allowable Deviation</b>
1	Lot Size			
	Minimum lot size (net area in sq. ft.)	1 acre	1,800 sf	<b>Yes</b>
2	Minimum lot width in feet	200 feet	25 feet	<b>Yes</b>
3	Minimum lot depth in feet	175 feet	60 feet	<b>Yes</b>
4	Minimum front yard setback, in feet	25 feet	3 feet	<b>Yes</b>
5	Minimum side yard setback, in feet			
	Interior side yard	10 feet	3 feet	<b>Yes</b>
	Street side yard	20 feet	3 feet	<b>Yes</b>
6	Minimum rear yard setback, in ft.	20 feet	3 feet	<b>Yes</b>
7	Maximum lot coverage	45%	70%	<b>Yes</b>
8	Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	6 feet	<b>Yes</b>

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RESOLUTION NO. 2011-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL APPROVE PA10-0029 (DEVELOPMENT AGREEMENT) FOR A PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, INCLUDING VARIOUS LETTERED LOTS CONTAINING COMMON OPEN SPACE AND A COMMUNITY RECREATION BUILDING ON AN APPROXIMATELY 29 GROSS ACRE PARCEL OF LAND WITHIN THE R15 (RESIDENTIAL – 15) AND OS (OPEN SPACE) LAND USE DISTRICTS**

**WHEREAS**, The applicant, Beazer Homes, has filed an application for the approval of PA10-0029 for the purposes of securing a development agreement to allow a temporary reduction of development impact fees for energy efficient construction and many community recreation amenities. The request is in conjunction with PA10-0038 and PA10-0039 for a Tentative Map No. 36340 and conditional use permit (CUP)/Planned Unit Development (PUD) on an approximate 29 acre parcel of land for a proposed 275 single-family residential development, including various lettered lots for common open space including a community center, private open space and drainage basin. The project is located in the R15 (Residential-15) and OS (Open Space) land use districts. The project will also include PA10-0038 for a Tentative Tract Map (TTM) and the subdivision of land and PA10-0039 a Conditional Use Permit/Planned Unit Development, which will be reviewed by a separate resolution. The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

**WHEREAS**, on February 24, 2011, the Planning Commission conducted a public hearing to review the proposed development agreement and recommend the document to the City Council.

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

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

**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**, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically 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 February 24, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

**FACT:** Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

**FACT:** The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

**FACT:** As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The combined tract map, Conditional Use Permit and development agreement would not cause serious



health problems or significant environmental impacts to the site or surrounding sites.

**4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.**

**FACT:** The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

**5. The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

**FACT:** The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 for the site. This would

include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

### **C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS**

1. 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, 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 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 the project (PA10-0038 and PA10-0039) as well as the proposed development agreement under PA10-0029 incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. 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. 2011-07, **RECOMMENDING APPROVAL** of the proposed development agreement (PA10-0029) attached as Exhibit A to the City Council for a project consisting of a Planned Unit Development (PUD) and the subdivision of a 29 acre parcel of land into 275 residential single-family lots as well as various lettered lots to include common open space areas and a community recreation building within the R15 (Residential-15) and OS (Open Space) land use districts.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Rick DeJong  
Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
John C. Terell, Planning Official  
Secretary to the Planning Commission

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Attached: Conditions of Approval

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RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

City of Moreno Valley  
Attn: City Manager  
P.O. Box 88005  
Moreno Valley, California 92552-0805

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(SPACE ABOVE FOR RECORDER'S USE ONLY)

**BEAZER STONERIDGE DEVELOPMENT AGREEMENT**

**DEVELOPMENT AGREEMENT BY AND BETWEEN  
THE CITY OF MORENO VALLEY  
AND  
BEAZER HOMES,  
RELATIVE TO THE DEVELOPMENT KNOWN AS  
ROCKCLIFFE TRACT 36340**

**February 24, 2011**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011 (the “Effective Date”), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the “City”), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the “Developer”), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a “Party” and collectively as the “Parties.”

### **RECITALS**

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the “Property”), more particularly described in Exhibit “A” attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the “General Plan”).

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 (“the Map”) and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the “Project Approvals,” and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

“Project.”

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on \_\_\_\_\_, 2011, by Resolution No. \_\_\_\_, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. \_\_\_\_, on \_\_\_\_\_, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

## **AGREEMENT**

### **SECTION 1: DEFINITIONS**

The following terms when used in this Agreement shall be defined as follows:

1.1 “Agreement” means this Development Agreement.

1.2 “Assignee Developer” means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 “City” means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 “City Council” means the City Council of the City of Moreno Valley.

1.5 “Covenants, Conditions and Restrictions” or “CC&Rs” shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et seq.* CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and “run with the land” so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 “Current Fees” means the September 23<sup>rd</sup>, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit “B” to this Agreement and made a part herein by this reference.

1.7 “Developer” means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 “Development” means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. “Development” does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 “Development Approvals” means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 “Development Impact Fees” or “DIF” means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term “Development Impact Fees” (the “DIF”) does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).



1.10 “Effective Date” means the effective date of the ordinance approving this Agreement.

1.11 “Exaction” means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term “Exaction” shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 “Existing Project Approvals” means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 “Existing Land Use Regulations” means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, “Land Use Regulations” does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 “Mortgagee” means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities’ successors and assigns.

1.16 “Processing Fees” means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 “Project” means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner’s Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 “Project Approvals” means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 “Property” means the real property described on Exhibit “A” to this Agreement and made a part herein by this reference.

1.20 “Subsequent Development Approvals” means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

## **SECTION 2: GENERAL PROVISIONS**

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

## 2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

## 2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

## **SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS**

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the “Applicable Regulations”).

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties’ agreement, it is the parties’ intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

#### **SECTION 4: RESERVATION OF AUTHORITY**

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

## **SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER**

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

## **SECTION 6: OBLIGATIONS OF CITY**

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and



6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

## **SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT**

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

## **SECTION 8: ASSIGNMENT**

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision. The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least \$200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

## **SECTION 9: DELAYS IN PERFORMANCE**

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

## **SECTION 10: DEFAULT**

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.



## **SECTION 11: TERMINATION**

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

## **SECTION 12: RELATIONSHIP OF PARTIES**

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

## **SECTION 13: AMENDMENT OF AGREEMENT**

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

## **SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT**

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement (“Annual Report”). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer’s good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer’s written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

## **SECTION 15: NOTICE**

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley  
Attn: City Manager & Community Development Director  
14177 Frederick Street  
P.O. Box 88005  
Moreno Valley, CA 92552  
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney  
City of Moreno Valley  
14177 Frederick Street  
P.O. Box 88005  
Moreno Valley, CA 92552  
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.  
1800 E. Imperial Highway, Suite 200  
Brea, CA 92821  
Facsimile: (866) 823-7480  
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

## **SECTION 16: INDEMNITY**

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

## **SECTION 17: MORTGAGEE PROTECTIONS**

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.



17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

## **SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT**

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

**[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]**

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

“DEVELOPER”

“CITY”

Beazer Homes Holdings Corp.,  
a Delaware corporation

CITY OF MORENO VALLEY,  
a municipal corporation

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_, Mayor

Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

City Attorney

**EXHIBIT "A"**  
**PROPERTY LEGAL DESCRIPTION**

**EXHIBIT "B"**

**CURRENT FEES**

**Schedule Effective September 23, 2009**

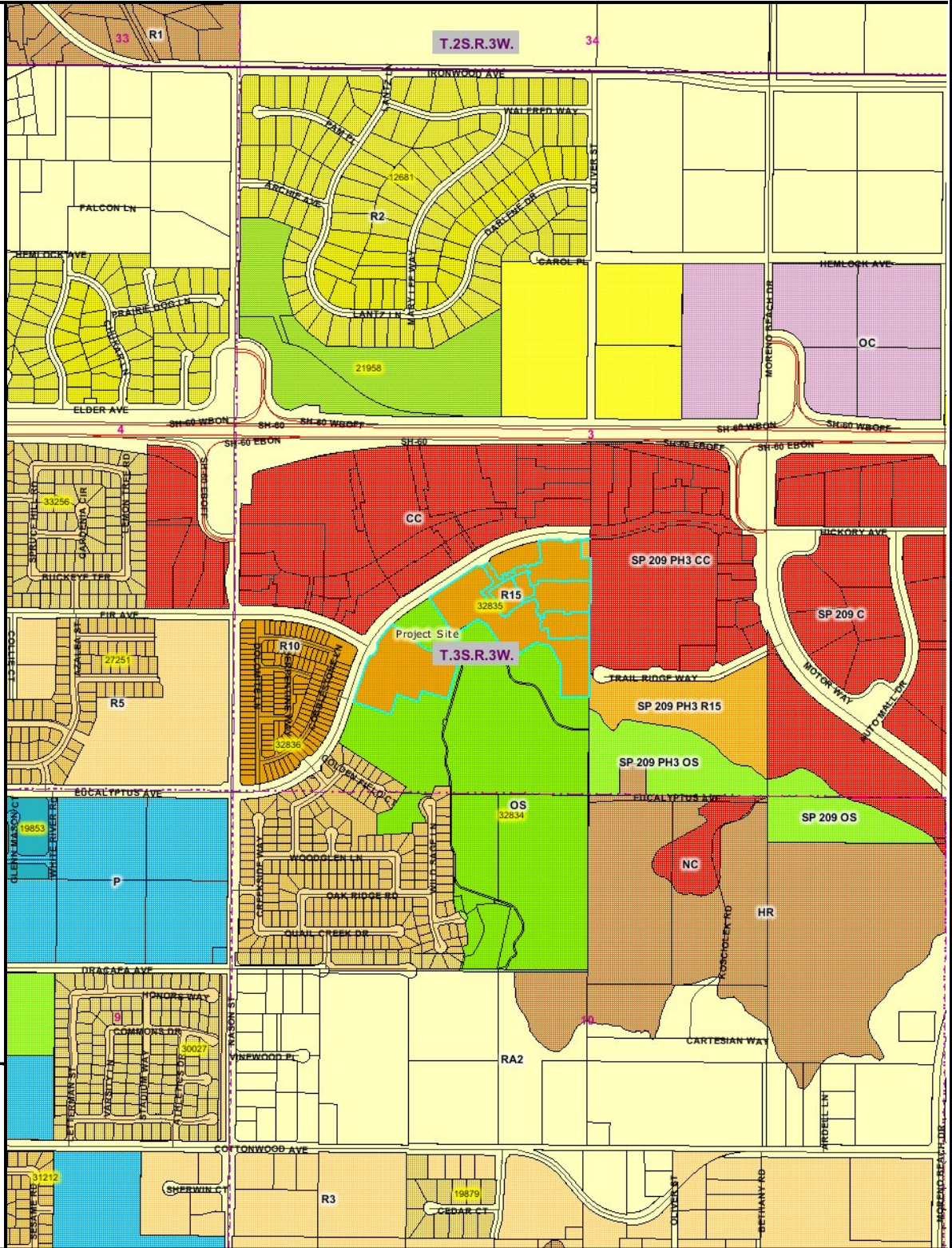
**[attached]**

# Zoning Map

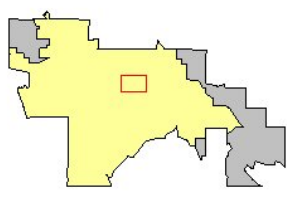
PA10-0038, 0039, 0029

## Legend

-  Selected Features
-  Highways
-  Townships
-  Sections
-  Parcels
-  Roads
-  Tracts
- Zoning**
-  Commercial
-  Industrial/Business Park
-  Large Lot Residential
-  Multi-family
-  Office
-  Open Space/Park
-  Planned Development
-  Public Facilities
-  Residential 2 Dwellings/Acre
-  Residential Agriculture 2 Dwellings/Acre
-  Suburban Residential
-  Sphere of Influence
-  Waterbodies
- City Boundaries**
-  Calimesa
-  Moreno Valley
-  Perris
-  Riverside

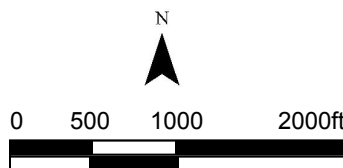


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City of Moreno Valley  
 14177 Frederick St  
 Moreno Valley, CA 92553

*DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley 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.*



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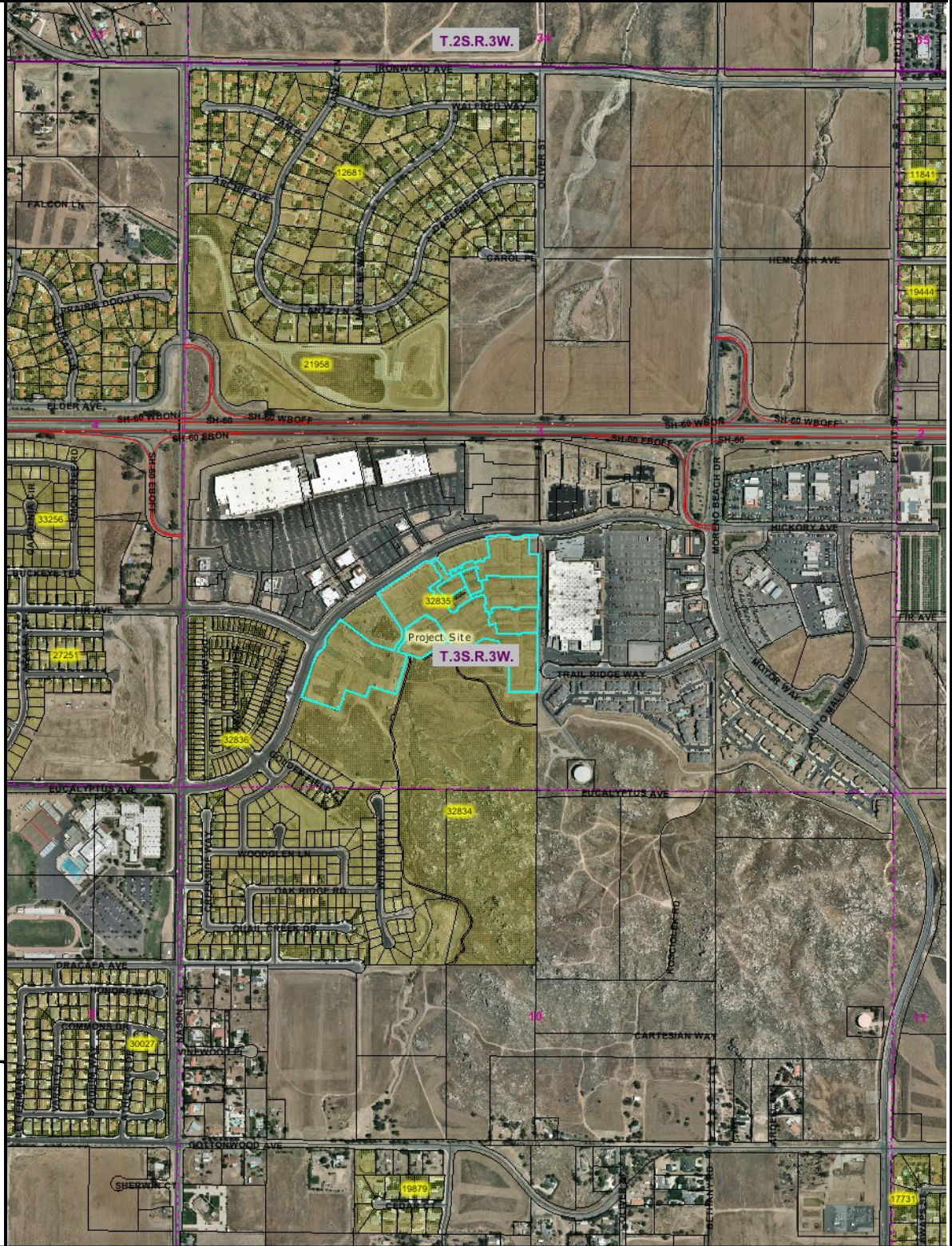


# Aerial Map

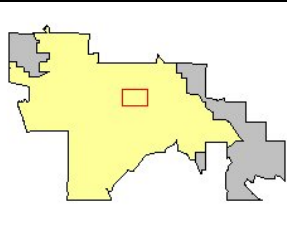
PA10-0038, 0039, 0029

## Legend

-  Selected Features
-  Highways
-  Townships
-  Sections
-  Parcels
-  Roads
-  Tracts
-  Sphere of Influence
-  Waterbodies
- City Boundaries**
-  Calimesa
-  Moreno Valley
-  Perris
-  Riverside

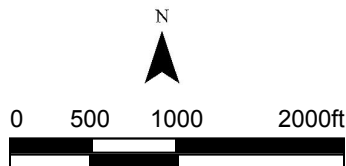


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City of Moreno Valley  
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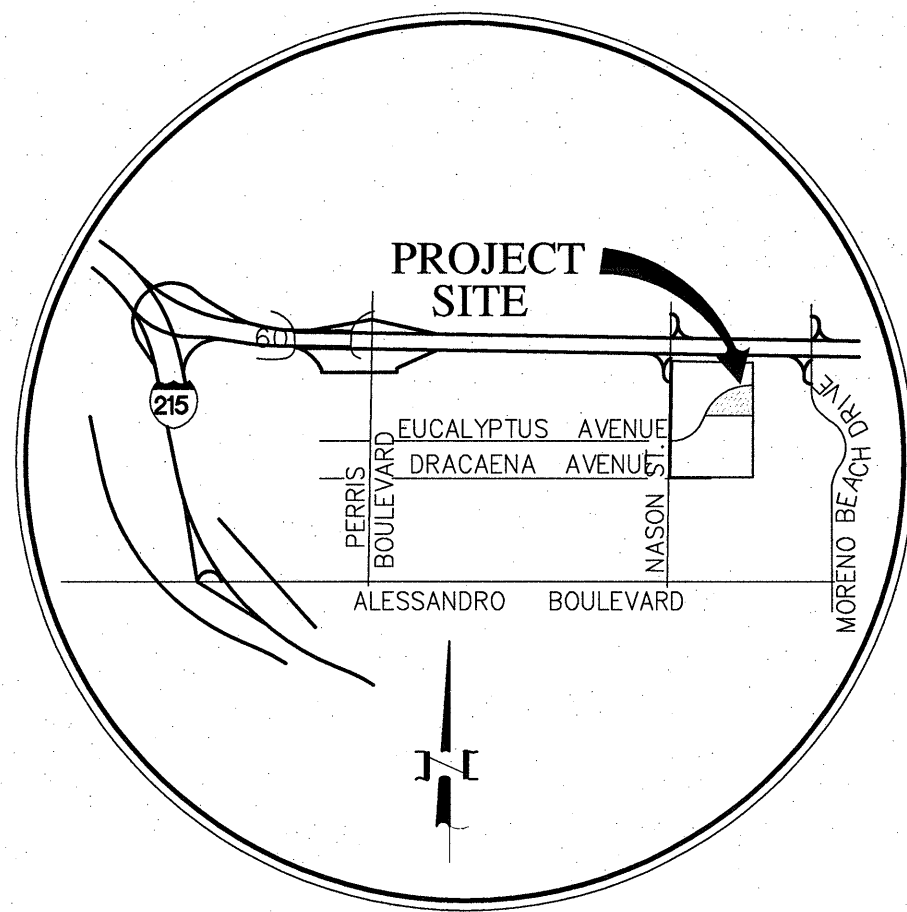


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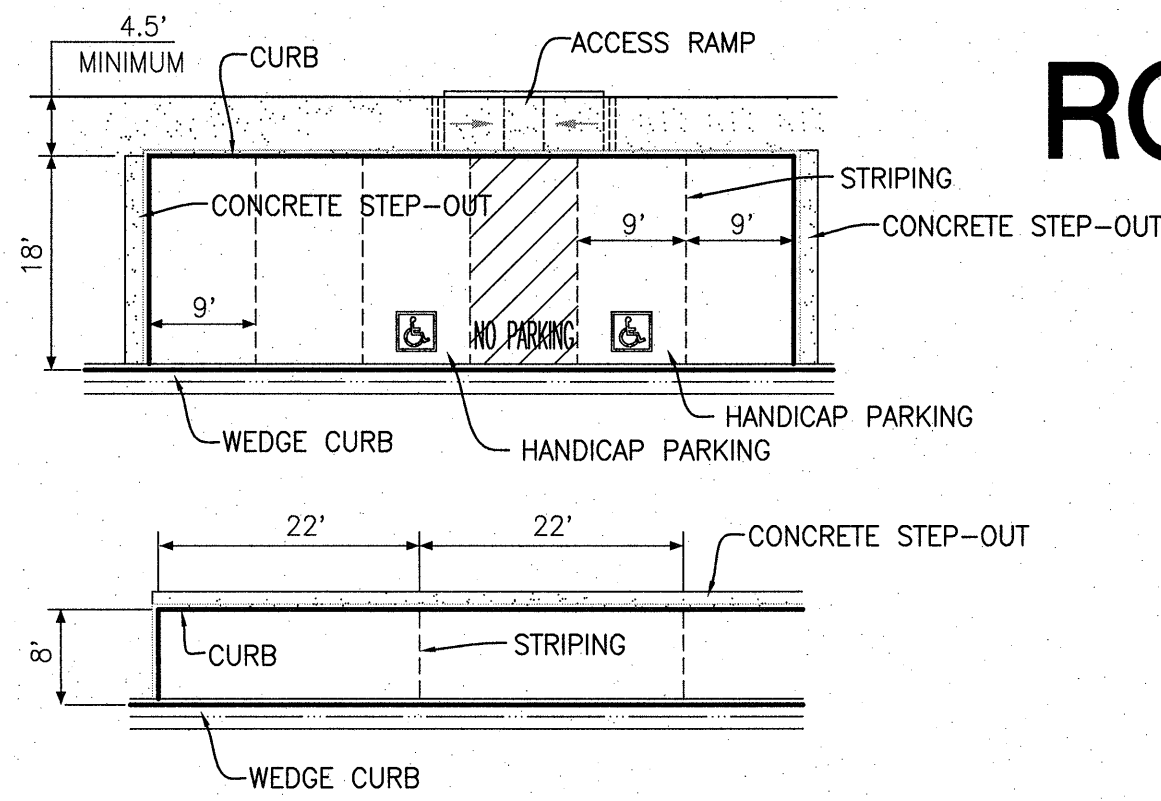


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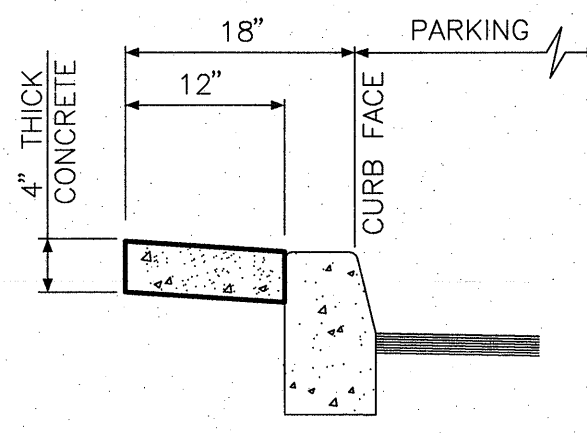
# TENTATIVE TRACT MAP No. 36340 ROCKCLIFFE AT STONE RIDGE RANCH CITY OF MORENO VALLEY, CA



VICINITY MAP  
NOT TO SCALE



PARKING SPACE DIMENSIONS  
NOT TO SCALE



CONCRETE STEP-OUT  
NOT TO SCALE

## LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, AND A PORTION OF PARCEL 4 AS DESCRIBED IN LOT LINE ADJUSTMENT NO. 948 AND CERTIFICATE OF COMPLIANCE, RECORDED 10/27/04 AS DOCUMENT NO. 850696 OF SAID COUNTY.

## FLOOD NOTE

SUBJECT PROPERTY LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEMA FLOOD MAP 06065C0770G, EFFECTIVE DATE OF AUGUST 28, 2008.

## ASSESSOR'S PARCEL NUMBERS

A.P.N. 488-090-026 A.P.N. 488-091-025  
A.P.N. 488-090-027 A.P.N. 488-091-031  
A.P.N. 488-090-028 A.P.N. 488-091-053  
A.P.N. 488-090-061 A.P.N. 488-091-073  
A.P.N. 488-090-077  
A.P.N. 488-090-078

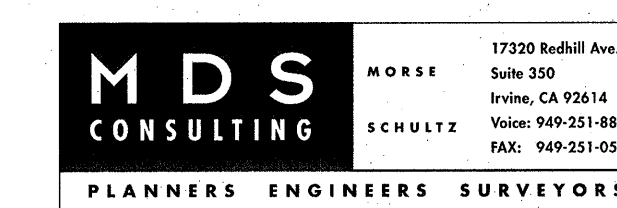
## EARTHWORK QUANTITIES

RAW CUT - 28,512 C.Y.  
RAW FILL - 12,621 C.Y.  
EXPORT - 15,891 C.Y.

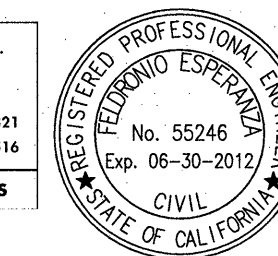
## SHEET INDEX

COVER SHEET SHEET 1  
TENTATIVE TRACT MAP SHEETS 3-4

## CIVIL ENGINEER

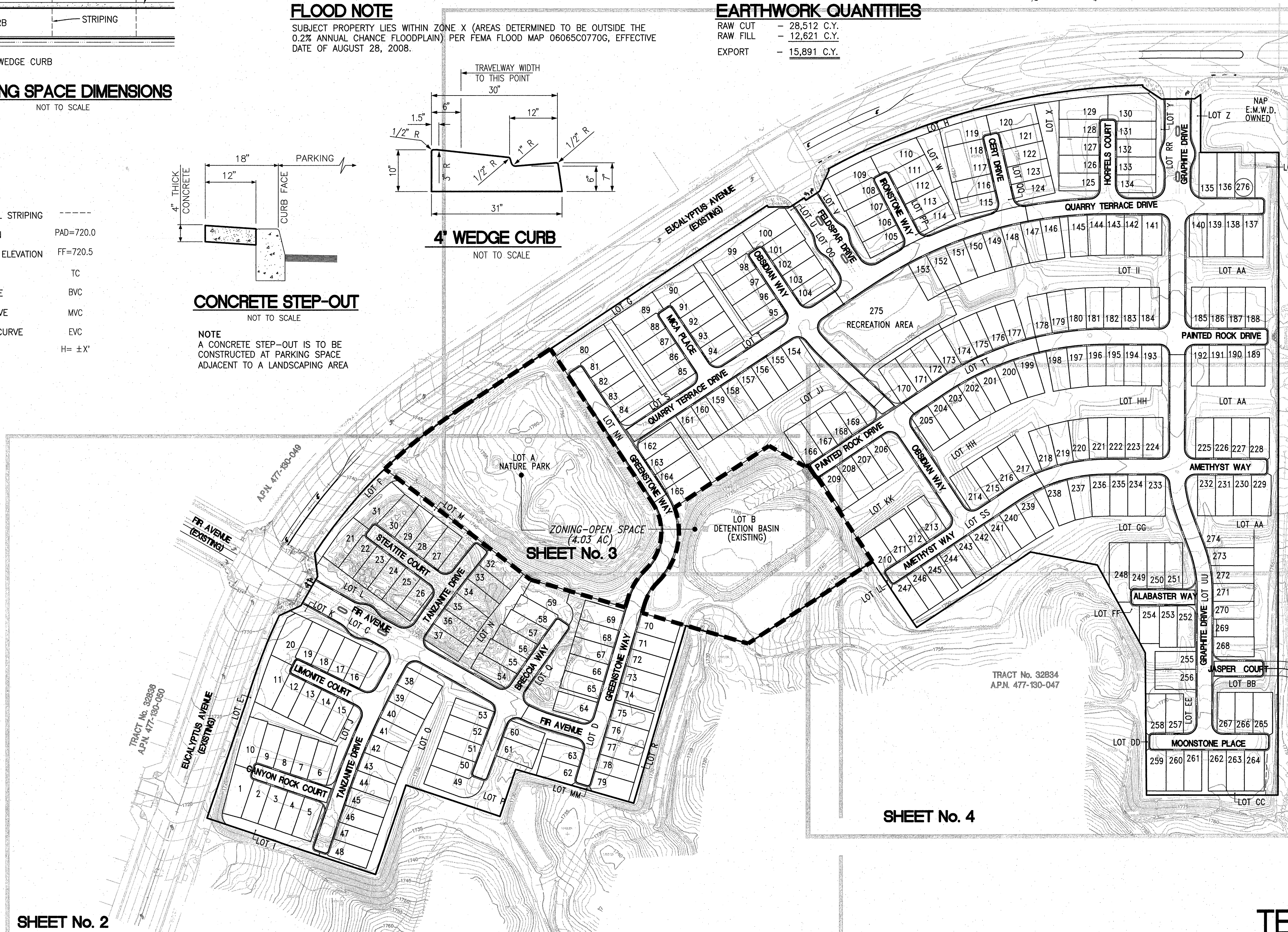


FELPE R. ESPERANZA DATE



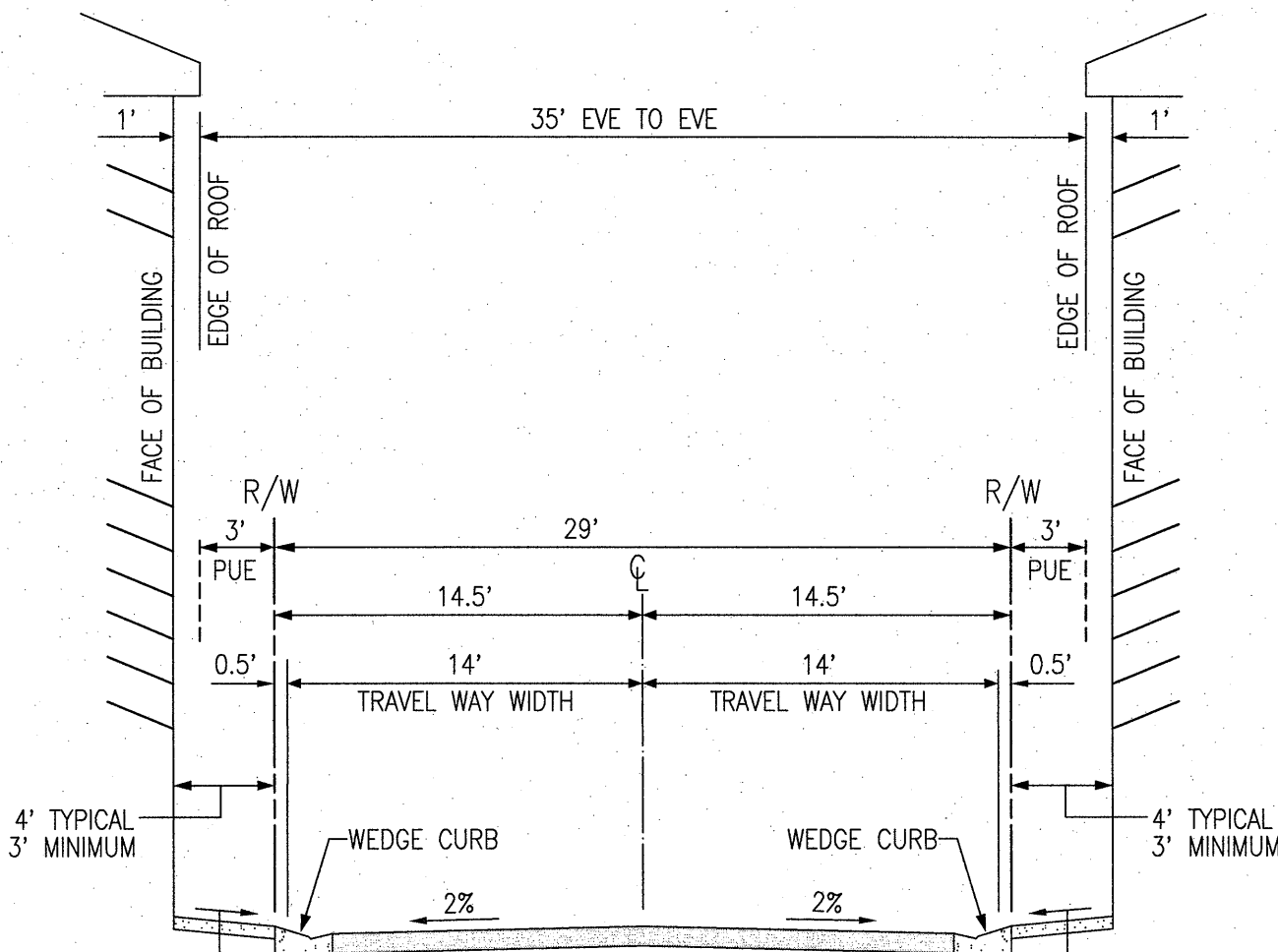
## LEGEND/ABBREVIATION

EXISTING STREET ELEVATION	(Elev.)	PROPOSED PARKING STALL STRIPING	----
PROPOSED STORM DRAIN	SD	PROPOSED PAD ELEVATION	PAD=720.0
PROPOSED SEWER SYSTEM	SS	PROPOSED FINISH FLOOR ELEVATION	FF=720.5
PROPOSED WATER SYSTEM	W	TOP OF CURB	TC
PROPOSED CONTOUR	10'±	BEGIN OF VERTICAL CURVE	BVC
PROPOSED CONCRETE DRAINAGE DITCH	10'±	MIDDLE OF VERTICAL CURVE	MVC
DECORATIVE PAVING	[Pattern]	END OF VERTICAL CURB CURVE	EVC
CONCRETE	[Pattern]	RETAINING WALL HEIGHT	H=±X'
ENHANCED LANDSCAPING (NO TURF)	[Pattern]		
EXISTING	EX.		
MAXIMUM	MAX.		
CATCH BASIN	CB		
PROPOSED LOT NUMBER			
ETER TUBULAR FENCE	[Symbol]		
PROPOSED RETAINING WALL	[Symbol]		
TENTATIVE TRACT BOUNDARY	[Symbol]		
PROPOSED CENTERLINE	[Symbol]		
PROPOSED VARIABLE SLOPE	[Symbol]		
PROPOSED CENTERLINE RADIUS	R=300'		
PRIVATE STREET	STREET 'A'		
LOT NUMBER	274		
CENTERLINE INTERSECTION DISTANCE	XXX'±		

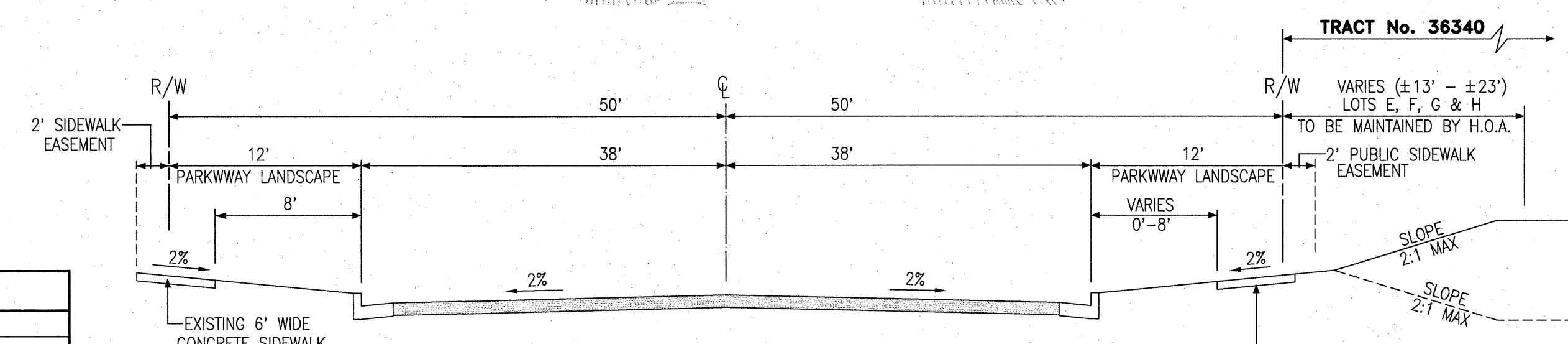


SHEET No. 2

SHEET No. 4



TYPICAL PRIVATE DRIVE SECTION  
NOT TO SCALE



EUCALYPTUS AVENUE (EXISTING PUBLIC STREET)  
NOT TO SCALE

## GENERAL NOTES

- NUMBER OF UNITS: 274 SINGLE FAMILY DETACHED HOMES (2 STORIES) AND A RECREATION BUILDING
- THERE ARE NO KNOWN EXISTING WELLS IRRIGATION LINES, CESSPOOLS, SEPTIC TANKS AND SEWAGE LEACH FIELDS.
- ALL STREET RIGHT OF WAY TO BE PRIVATELY OWNED AND MAINTAINED.
- THERE ARE NO KNOWN PREVIOUSLY FILLED AREAS WITHIN THE SITE, INCLUDING ANY LIQUID OR SOLID WASTE DISPOSAL SITES.
- A HOMEOWNER ASSOCIATION WILL BE REQUIRED TO MAINTAIN ALL COMMON FACILITIES, VISIBLE FRONT YARDS AND REVERSE FRONTAGE AREAS NOT ACCEPTED BY THE CITY'S SPECIAL DISTRICTS.
- A HOMEOWNER ASSOCIATION WILL BE REQUIRED FOR THE MAINTENANCE OF THE DETENTION BASIN.
- A HOMEOWNER ASSOCIATION WILL BE REQUIRED TO MAINTAIN THE PRIVATE STREETS, COMMON AREA AMENITIES AND COMMON LANDSCAPING AREAS.
- THE SITE WAS APPROVED FOR 274 CONDOMINIUM UNITS, TENTATIVE TRACT NO. 32835 (CASE # PA04-0120 \ PA04-0162)
- ALL HOMES SHALL BE FIRE SPRINKLERED.

## UTILITY PURVEYORS

WATER: EMWD ELECTRIC: CITY OF MORENO VALLEY  
SEWER: EMWD TELEPHONE: VERIZON  
CABLE TV: ADELPHIA SOLID WASTE: WASTE MANAGEMENT OF INLAND VALLEY  
GAS: SOUTHERN CALIFORNIA GAS COMPANY

## ZONING

CURRENT: CITY OF MORENO VALLEY ZONING -R15 (RESIDENTIAL) / OS (OPEN SPACE)  
PROPOSED: CITY OF MORENO VALLEY ZONING -R15 (RESIDENTIAL) / OS (OPEN SPACE)  
**R15 (RESIDENTIAL) ZONE: 24.94 ACRES CURRENT AND PROPOSED**  
**OS (OPEN SPACE) ZONE: 4.03 ACRES CURRENT AND PROPOSED**

## DEVIATIONS FROM R15 ZONING

	CITY REQUIREMENT	PROPOSED
MINIMUM FRONT SETBACK	25'	3.5' (TYPICAL 6'-7')
MINIMUM REAR YARD SETBACK	20'	3' (TYPICAL 4')
MINIMUM SIDE YARD SETBACK		
INTERIOR SIDE YARD	10'	3'
STREET SIDE YARD	20'	4.5'
MINIMUM DISTANCE BETWEEN BUILDINGS	20'	6'
MAXIMUM LOT COVERAGE	45%	69%

## LAND USE SUMMARY

LOTS	LAND USE	ACREAGE	PERCENT(%)
1-274 & 276	SINGLE-FAMILY RESIDENTIAL	13.05	45.05%
275	RECREATION	0.46	1.6%
A	NATURE PARK	2.38	8.2%
B	DETENTION BASIN (EXISTING)	1.65	5.7%
C, D & NN-UU	PRIVATE STREET	5.39	18.6%
E-Z & AA-MM	OPEN COMMON AREA	6.04	20.85%
	<b>GROSS ACREAGE</b>	<b>28.97 AC</b>	<b>100.0%</b>

## TENTATIVE TRACT No. 36340

NUMBER OF LOTS	276
SINGLE FAMILY DETACHED RESIDENTIAL	275
RECREATION AREA	1
NUMBER OF LETTERED LOTS	49
PRIVATE STREET	12
NATURE PARK	1
DETENTION BASIN	1
OPEN SPACE	35
GROSS ACREAGE:	28.97 AC
CONTOUR INTERVAL:	1 FOOT
SCALE:	1"=40'
DATE:	AUGUST 6, 2010

## APPLICANT / DEVELOPER

**BEAZER HOMES**  
1800 E. IMPERIAL HIGHWAY, SUITE. 200  
BREA, CA 92821  
PH: (714) 285-2900  
FAX: (866) 823-7480  
CONTACT: BRYAN BERGERON

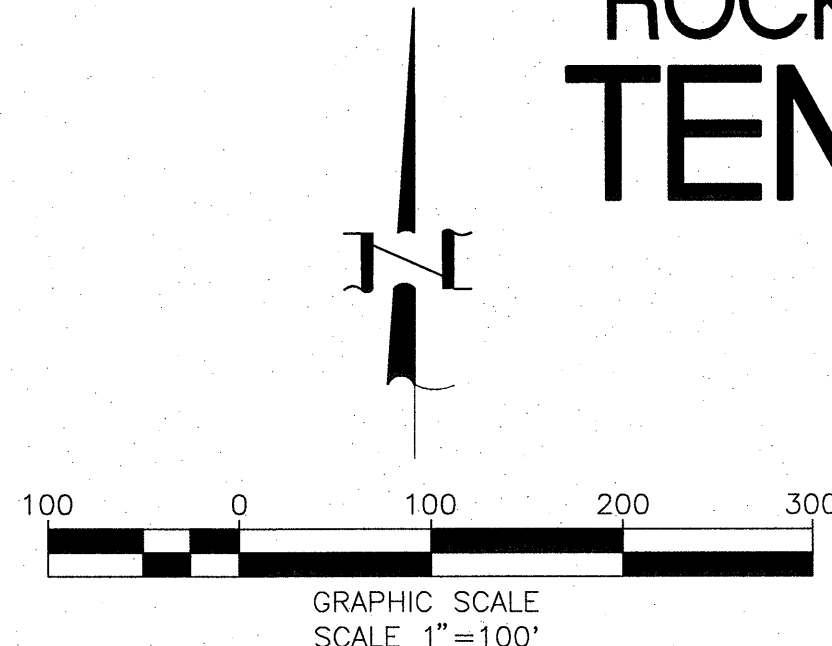
## OWNER

**BEAZER HOMES**  
1800 E. IMPERIAL HIGHWAY, SUITE. 200  
BREA, CA 92821  
PH: (714) 285-2900  
FAX: (866) 823-7480  
CONTACT: BRYAN BERGERON

# TENTATIVE TRACT No. 36340 ROCKCLIFFE AT STONE RIDGE RANCH TENTATIVE TRACT MAP CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SHEET 1 of 4

PA10-0038 \ PA10-0039



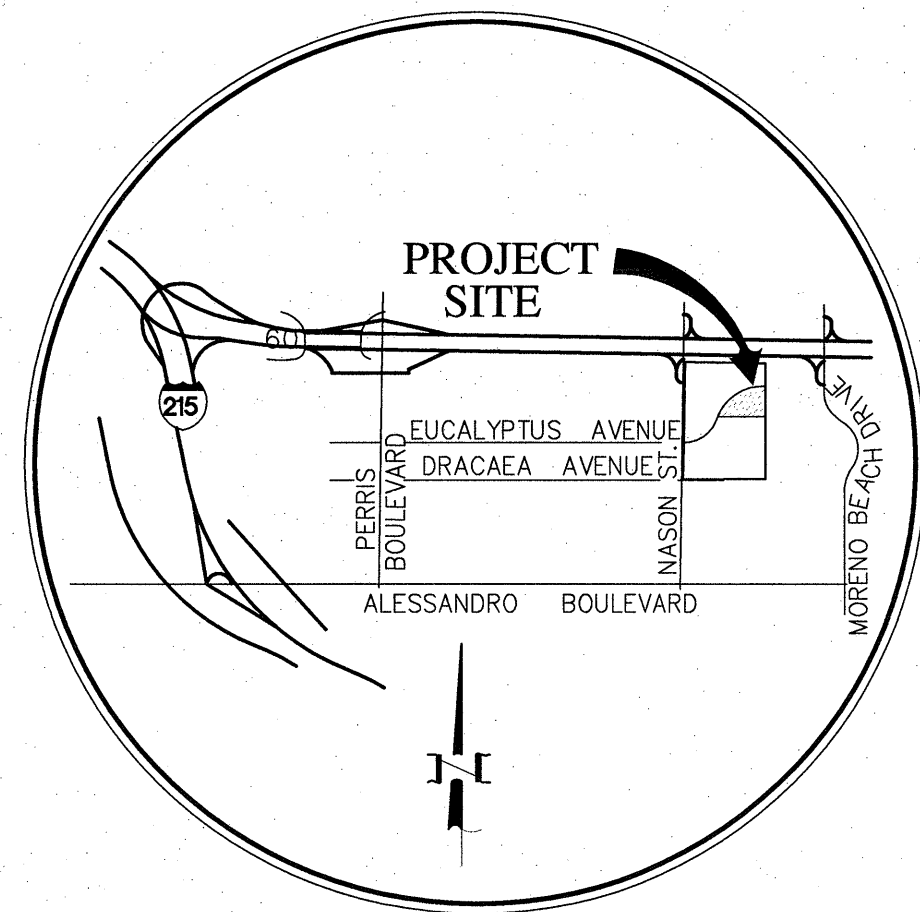
CHANGE	DATE	REVISION

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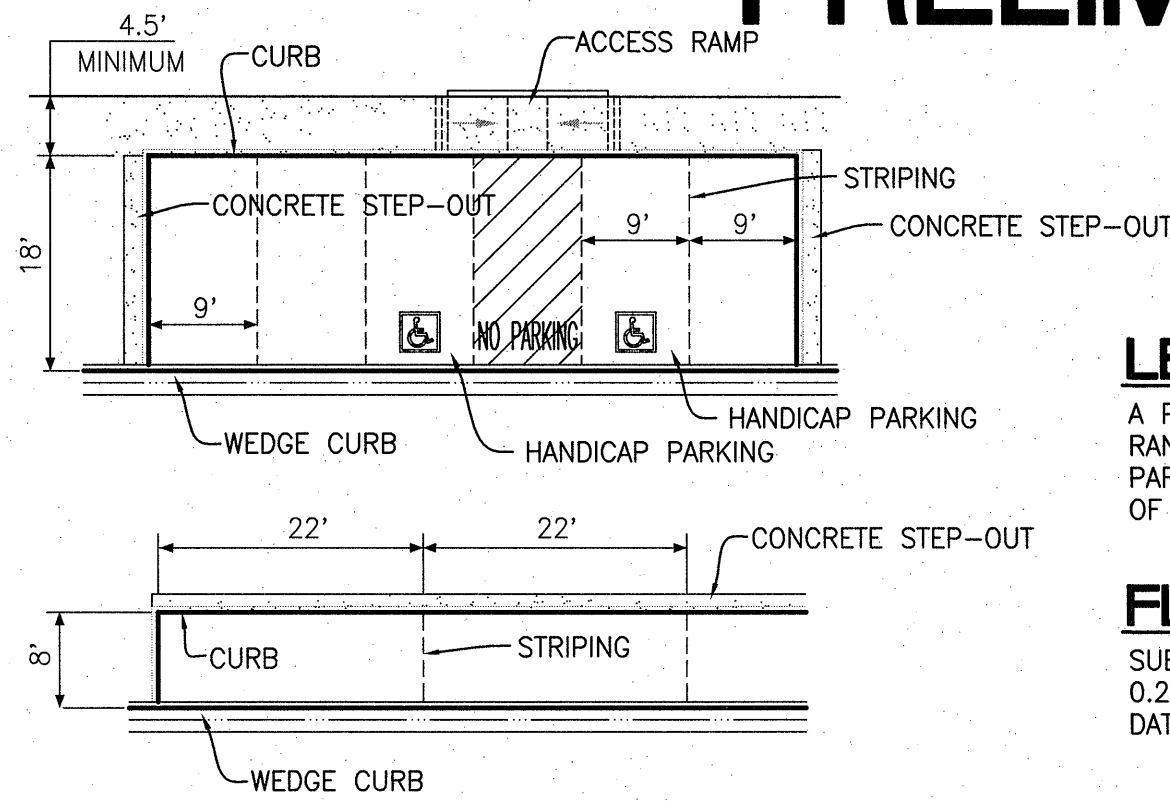
# PRELIMINARY GRADING PLAN TRACT MAP No. 36340

## ROCKCLIFFE AT STONE RIDGE RANCH

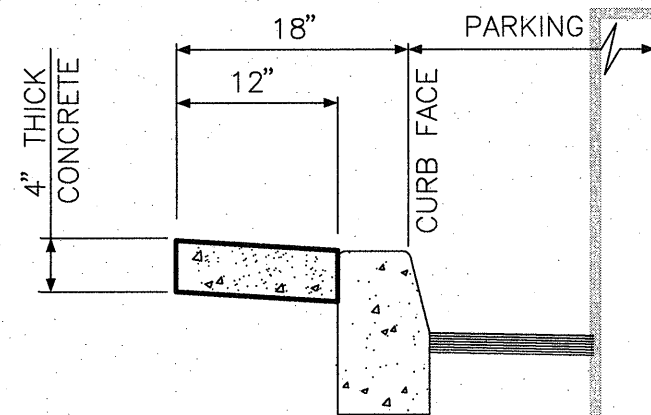
### CITY OF MORENO VALLEY, CA



VICINITY MAP  
NOT TO SCALE



PARKING SPACE DIMENSIONS  
NOT TO SCALE

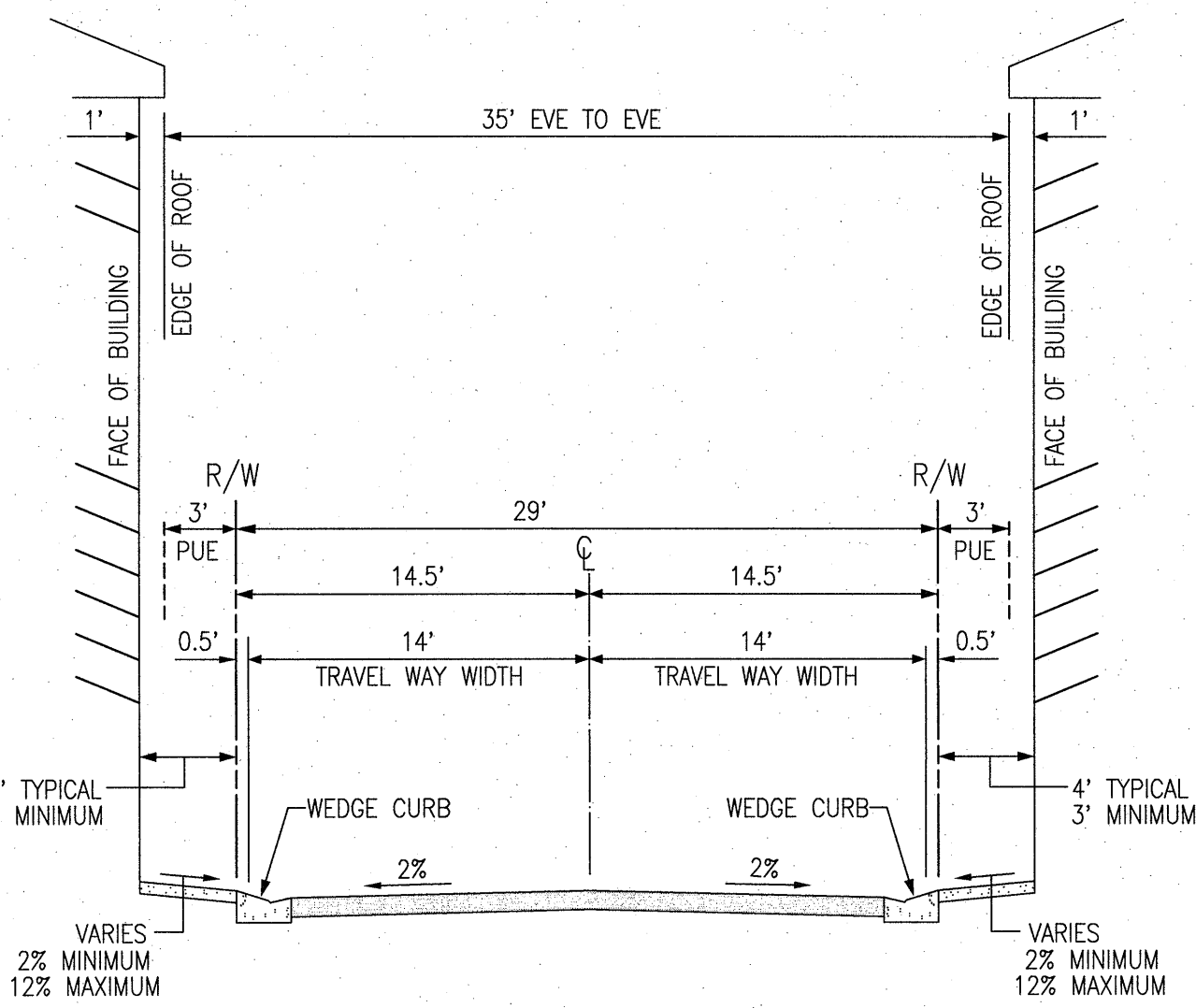


CONCRETE STEP-OUT  
NOT TO SCALE

NOTE  
A CONCRETE STEP-OUT IS TO BE CONSTRUCTED AT PARKING SPACE ADJACENT TO A LANDSCAPING AREA

#### LEGEND/ABBREVIATION

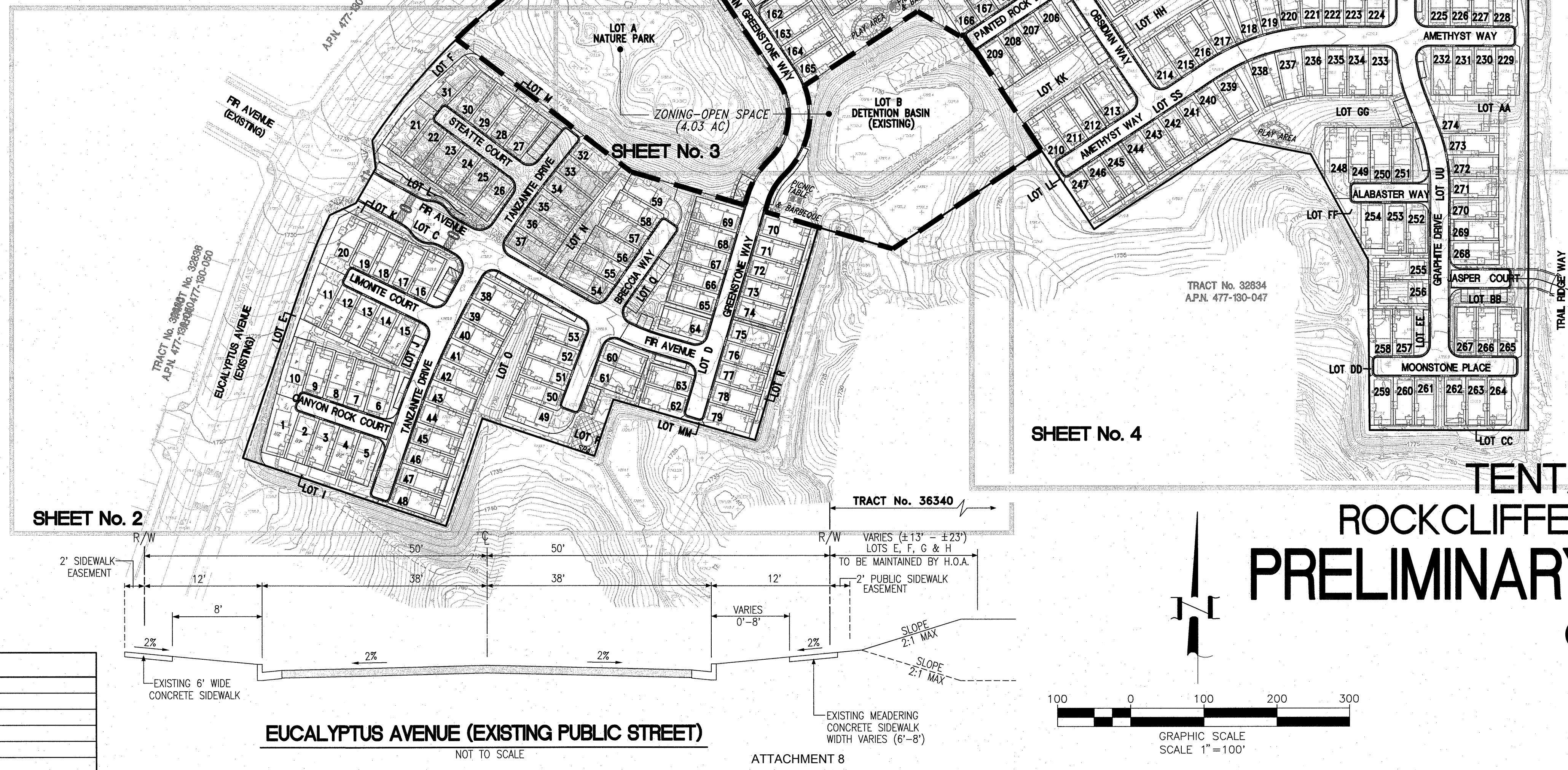
EXISTING STREET ELEVATION	(ELEV)	EXISTING	EX.
PROPOSED STORM DRAIN	SD	MAXIMUM	MAX.
PROPOSED SEWER SYSTEM	SS	CATCH BASIN	CB
PROPOSED WATER SYSTEM	W	PROPOSED LOT NUMBER	
PROPOSED CONTOUR	1.5%	PERIMETER TUBULAR FENCE	
PROPOSED CONCRETE DRAINAGE DITCH		PROPOSED RETAINING WALL	
PROPOSED PARKING STALL STRIPING		TENTATIVE TRACT BOUNDARY	
PROPOSED PAD ELEVATION	PAD=720.0	PROPOSED CENTERLINE	
PROPOSED FINISH FLOOR ELEVATION	FF=720.5	PROPOSED VARIABLE SLOPE	
TOP OF CURB	TC	PROPOSED CENTERLINE RADIUS	R=300'
BEGIN OF VERTICAL CURB	BVC	PRIVATE STREET	STREET 'A'
MIDDLE OF VERTICAL CURB	MVC	LOT NUMBER	274
END OF VERTICAL CURB	EVC		
NG WALL HEIGHT	H=±X'		
DECORATIVE PAVING			
CONCRETE			
ENHANCED LANDSCAPING (NO TURF)			



TYPICAL PRIVATE DRIVE SECTION  
NOT TO SCALE

CHANGE	DATE	REVISION

NOTE  
A CONCRETE STEP-OUT IS TO BE CONSTRUCTED AT PARKING SPACE ADJACENT TO A LANDSCAPING AREA



EUCALYPTUS AVENUE (EXISTING PUBLIC STREET)  
NOT TO SCALE

ATTACHMENT 8

#### LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, AND A PORTION OF PARCEL 4 AS DESCRIBED IN LOT LINE ADJUSTMENT NO. 948 AND CERTIFICATE OF COMPLIANCE, RECORDED 10/27/04 AS DOCUMENT NO. 850696 OF SAID COUNTY.

#### FLOOD NOTE

SUBJECT PROPERTY LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEMA FLOOD MAP 06065C0770G, EFFECTIVE DATE OF AUGUST 28, 2008.

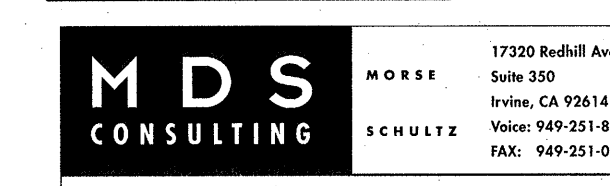
#### ASSESSOR'S PARCEL NUMBERS

A.P.N. 488-090-026 A.P.N. 488-091-025  
A.P.N. 488-090-027 A.P.N. 488-091-031  
A.P.N. 488-090-028 A.P.N. 488-091-053  
A.P.N. 488-090-061 A.P.N. 488-091-073  
A.P.N. 488-090-077  
A.P.N. 488-090-078

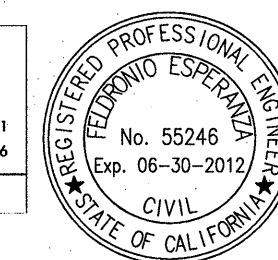
#### SHEET INDEX

COVER SHEET SHEET 1  
PRELIMINARY GRADING PLAN SHEETS 2-4

#### CIVIL ENGINEER



FELIX MONTEPERAZA DATE



#### GENERAL NOTES

- NUMBER OF UNITS: 274 SINGLE FAMILY DETACHED HOMES (2 STORIES) AND A RECREATION BUILDING
- THERE ARE NO KNOWN EXISTING WELLS, IRRIGATION LINES, CESSPOOLS, SEPTIC TANKS AND SEWAGE LEACH FIELDS.
- ALL STREET RIGHT OF WAY TO BE PRIVATELY OWNED AND MAINTAINED.
- THERE ARE NO KNOWN PREVIOUSLY FILLED AREAS WITHIN THE SITE; INCLUDING ANY LIQUID OR SOLID WASTE DISPOSAL SITES.
- A HOMEOWNER ASSOCIATION WILL BE REQUIRED TO MAINTAIN ALL COMMON FACILITIES, VISIBLE FRONT YARDS AND REVERSE FRONTAGE AREAS NOT ACCEPTED BY THE CITY'S SPECIAL DISTRICTS.
- A HOMEOWNER ASSOCIATION WILL BE REQUIRED FOR THE MAINTENANCE OF THE DETENTION BASIN.
- A HOMEOWNER ASSOCIATION WILL BE REQUIRED TO MAINTAIN THE PRIVATE STREETS, COMMON AREA AMENITIES AND COMMON LANDSCAPING AREAS.
- THE SITE WAS APPROVED FOR 274 CONDOMINIUM UNITS, TENTATIVE TRACT NO. 32835 (CASE # PA04-0120 \ PA04-0162)
- ALL HOMES TO BE FIRE SPRINKLERED.

#### ZONING

CURRENT: CITY OF MORENO VALLEY ZONING -R15 (RESIDENTIAL) / OS (OPEN SPACE)  
PROPOSED: CITY OF MORENO VALLEY ZONING -R15 (RESIDENTIAL) / OS (OPEN SPACE)

R15 (RESIDENTIAL) ZONE: 24.94 ACRES CURRENT AND PROPOSED  
OS (OPEN SPACE) ZONE: 4.03 ACRES CURRENT AND PROPOSED

#### LOT SUMMARY

MINIMUM LOT SIZE	1,846 SF
MAXIMUM LOT SIZE	3,181 SF
AVERAGE LOT SIZE	2,067 SF
GROSS ACREAGE	28.97 AC
*NET ACREAGE	24.48 AC
NUMBER OF DWELLING UNITS	275 DU
GROSS DENSITY (275/28.97)	9.5 DU/AC
NET DENSITY (275/24.48)	11.2 DU/AC

\*EXCLUDES NATURE PARK, DETENTION BASIN & RECREATION AREA

#### LAND USE SUMMARY

LOTS	LAND USE	ACREAGE	PERCENT(%)
1-274 & 276	SINGLE-FAMILY RESIDENTIAL	13.05	45.05%
275	RECREATION	0.46	1.6%
A	NATURE PARK	2.38	8.2%
B	DETENTION BASIN (EXISTING)	1.65	5.7%
C, D & NN-UU	PRIVATE STREET	5.39	18.6%
E-Z & AA-MM	OPEN COMMON AREA	6.04	20.85%
	<b>GROSS ACREAGE</b>	<b>28.97 AC</b>	<b>100.0%</b>

#### TENTATIVE TRACT No. 36340

NUMBER OF LOTS	276
SINGLE FAMILY DETACHED RESIDENTIAL	275
RECREATION AREA	1
NUMBER OF LETTERED LOTS	49
PRIVATE STREET	12
NATURE PARK	1
DETENTION BASIN	1
OPEN SPACE	35
GROSS ACREAGE:	28.97 AC
CONTOUR INTERVAL:	1 FOOT
SCALE:	1"=40'
DATE:	AUGUST 6, 2010

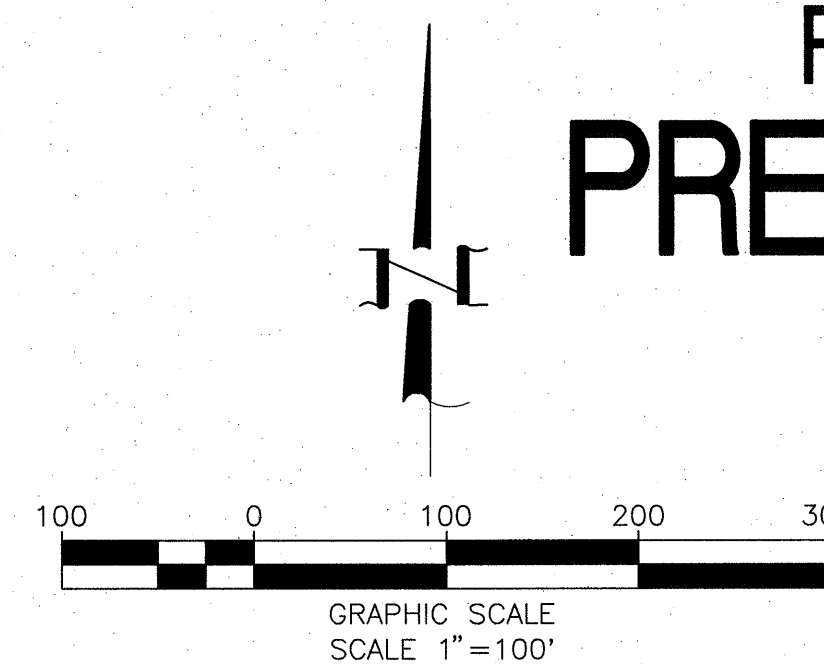
#### APPLICANT / DEVELOPER

**BEAZER HOMES**  
1800 E. IMPERIAL HIGHWAY, STE. 200  
BREA, CA 92821  
PH: (714) 285-2900  
FAX: (866) 823-7480  
CONTACT: BRYAN BERGERON

#### OWNER

**BEAZER HOMES**  
1800 E. IMPERIAL HIGHWAY, STE. 200  
BREA, CA 92821  
PH: (714) 285-2900  
FAX: (866) 823-7480  
CONTACT: BRYAN BERGERON

TENTATIVE TRACT No. 36340  
ROCKCLIFFE AT STONE RIDGE RANCH  
PRELIMINARY GRADING PLAN  
CITY OF MORENO VALLEY  
STATE OF CALIFORNIA  
SHEET 1 of 4  
PA10-0038 \ PA10-0039



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# PLOT PLAN TRACT MAP No. 36340 ROCKCLIFFE AT STONE RIDGE RANCH CITY OF MORENO VALLEY, CA

## SHEET INDEX

COVER SHEET SHEET 1  
PLOT PLAN SHEETS 2-4  
FLOOR AREA RATIO AND LOT COVERAGE TABULATION AND STREET SECTIONS SHEET 5

CIVIL ENGINEER

**M D S CONSULTING**  
PLANNERS ENGINEERS SURVEYORS

*Handwritten signature: N. NAWAN 2/15/2010*  
FELDRONIO ESPERANZA DATE



## GENERAL NOTES

- NUMBER OF UNITS: 274 SINGLE FAMILY DETACHED HOMES (2 STORIES) AND A RECREATION BUILDING
- THERE ARE NO KNOWN EXISTING WELLS IRRIGATION LINES, CESSPOOLS, SEPTIC TANKS AND SEWAGE LEACH FIELDS.
- ALL STREET RIGHT OF WAY TO BE PRIVATELY OWNED AND MAINTAINED.
- THERE ARE NO KNOWN PREVIOUSLY FILLED AREAS WITHIN THE SITE, INCLUDING ANY LIQUID OR SOLID WASTE DISPOSAL SITES.
- A HOMEOWNER ASSOCIATION WILL BE REQUIRED TO MAINTAIN ALL COMMON FACILITIES, VISIBLE FRONT YARDS AND REVERSE FRONTAGE AREAS NOT ACCEPTED BY THE CITY'S SPECIAL DISTRICTS.
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- THE SITE WAS APPROVED FOR 274 CONDOMINIUM UNITS, TENTATIVE TRACT NO. 32835 (CASE # PA04-0120 \ PA04-0162)
- ALL HOMES TO BE FIRE SPRINKLERED.

## LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, AND A PORTION OF PARCEL 4 AS DESCRIBED IN LOT LINE ADJUSTMENT NO. 948 AND CERTIFICATE OF COMPLIANCE, RECORDED 10/27/04 AS DOCUMENT NO. 850696 OF SAID COUNTY.

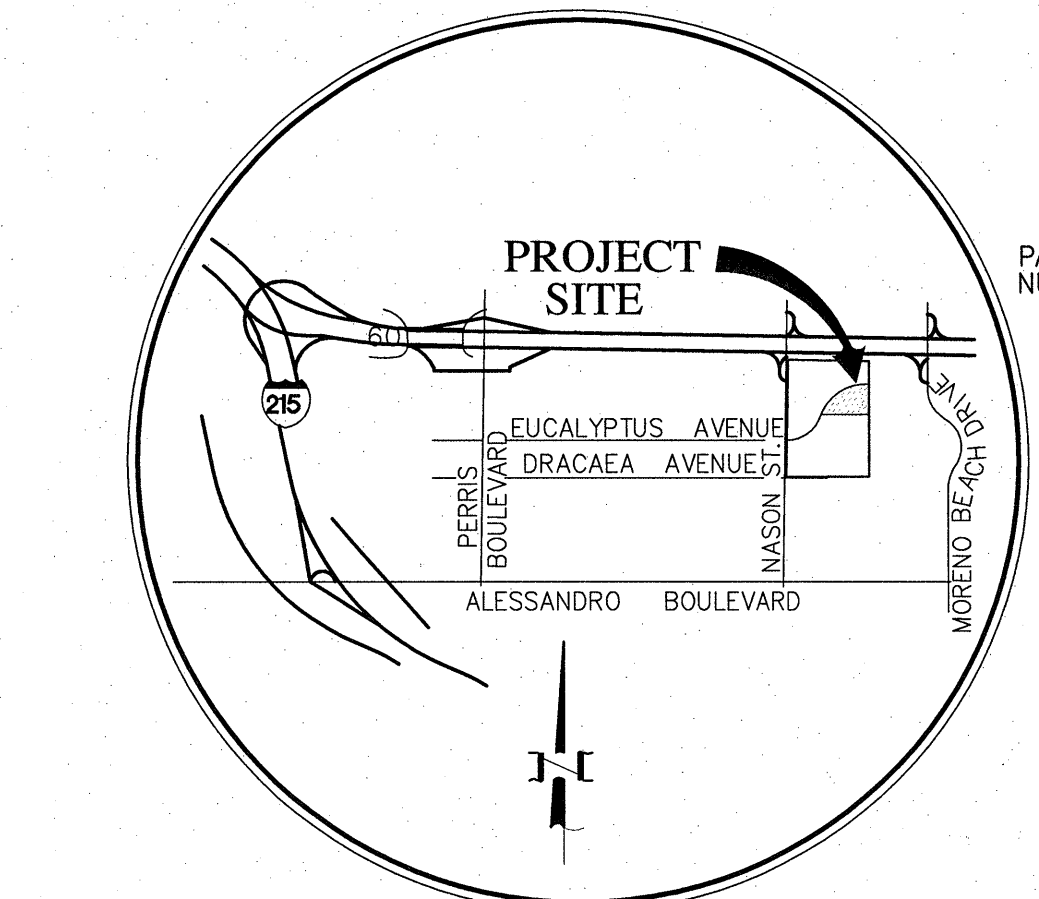
## ASSESSOR'S PARCEL NUMBERS

A.P.N. 488-090-026 A.P.N. 488-091-025  
A.P.N. 488-090-027 A.P.N. 488-091-031  
A.P.N. 488-090-028 A.P.N. 488-091-033  
A.P.N. 488-090-061 A.P.N. 488-091-073  
A.P.N. 488-090-077  
A.P.N. 488-090-078

## FLOOD NOTE

SUBJECT PROPERTY LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEMA FLOOD MAP 06065C0770G, EFFECTIVE DATE OF AUGUST 28, 2008.

**SEE SHEET 5**  
**STREET SECTIONS AND FLOOR AREA RATIO AND LOT COVERAGE TABULATION**



VICINITY MAP  
NOT TO SCALE

## LEGEND/ABBREVIATION

- EXISTING STREET ELEVATION (28.80)
- PROPOSED STORM DRAIN (SD)
- PROPOSED SEWER SYSTEM (SS)
- PROPOSED WATER SYSTEM (W)
- PROPOSED CONTOUR (-16.8)
- PROPOSED CONCRETE DRAINAGE DITCH
- PROPOSED PARKING STALL STRIPING
- PROPOSED PAD ELEVATION PAD=720.0
- PROPOSED FINISH FLOOR ELEVATION FF=720.5
- TOP OF CURB TC
- BEGIN OF VERTICAL CURVE BVC
- MIDDLE OF VERTICAL CURVE MVC
- END OF VERTICAL CURVE EVC
- G WALL HEIGHT H= ±X'
- DECORATIVE PAVING
- CONCRETE
- EXISTING EX.
- MAXIMUM MAX.
- CATCH BASIN CB
- PERIMETER TUBULAR FENCE
- PROPOSED RETAINING WALL
- TENTATIVE TRACT BOUNDARY
- PROPOSED CENTERLINE
- PROPOSED VARIABLE SLOPE
- PROPOSED CENTERLINE RADIUS R=300'
- LOT NUMBER 274
- PLAN TYPE TYPE 1R
- PARKING SPACE NUMBER/COUNT (37)
- AIR CONDITIONER UNIT CONCRETE PAD
- TRASH CONCRETE PAD
- HANDICAPPED PARKING SPACE

## PARKING SUMMARY

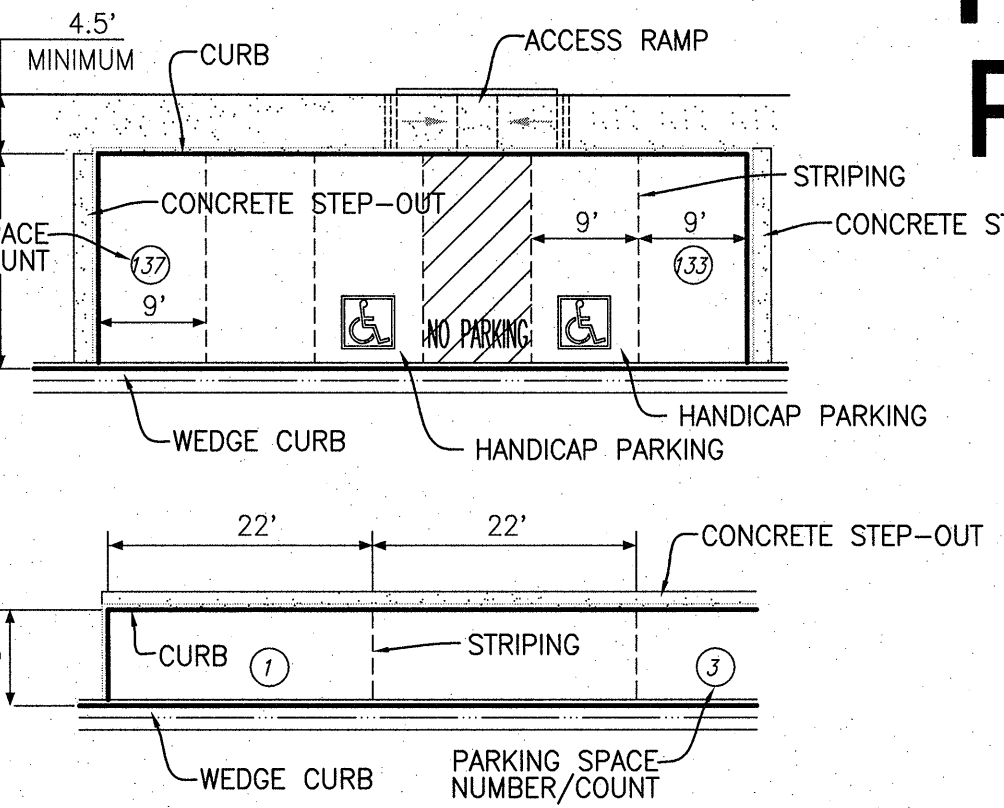
**OPEN PARKING SPACE REQUIRED**  
REQUIRED = 0.5 SPACE PER UNIT  
TOTAL REQUIRED = 0.5 SPACE/UNIT X 275 UNITS = 138 SPACES

**TOTAL OPEN PARKING = 138 SPACES** (INCLUDES 6 HANDICAPPED SPACE PROVIDED)

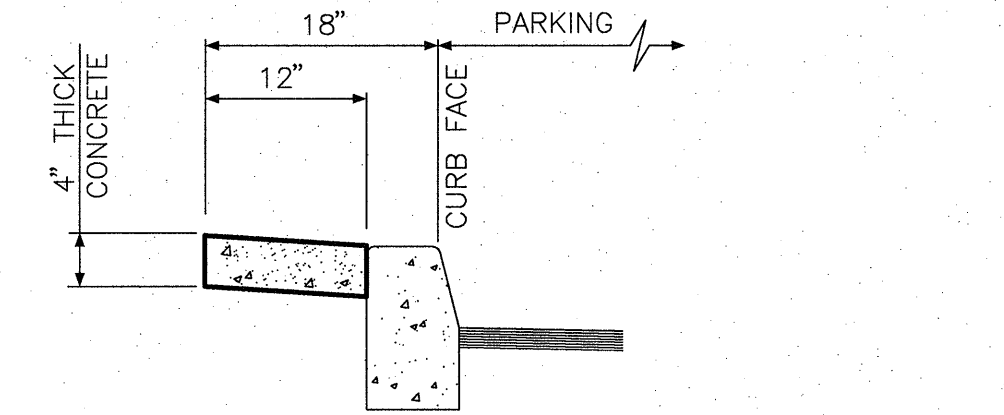
## LOT SUMMARY

MINIMUM LOT SIZE 1,846 SF  
MAXIMUM LOT SIZE 3,181 SF  
AVERAGE LOT SIZE 2,067 SF  
GROSS ACRES 28.97 AC  
NET ACRES 24.48 AC  
NUMBER OF DWELLING UNITS 275 DU  
GROSS DENSITY (275/28.97) = 9.5 DU/AC  
NET DENSITY (275/24.48) = 11.2 DU/AC

\*EXCLUDES PRIVATE PARK, DETENTION BASIN & RECREATION AREA

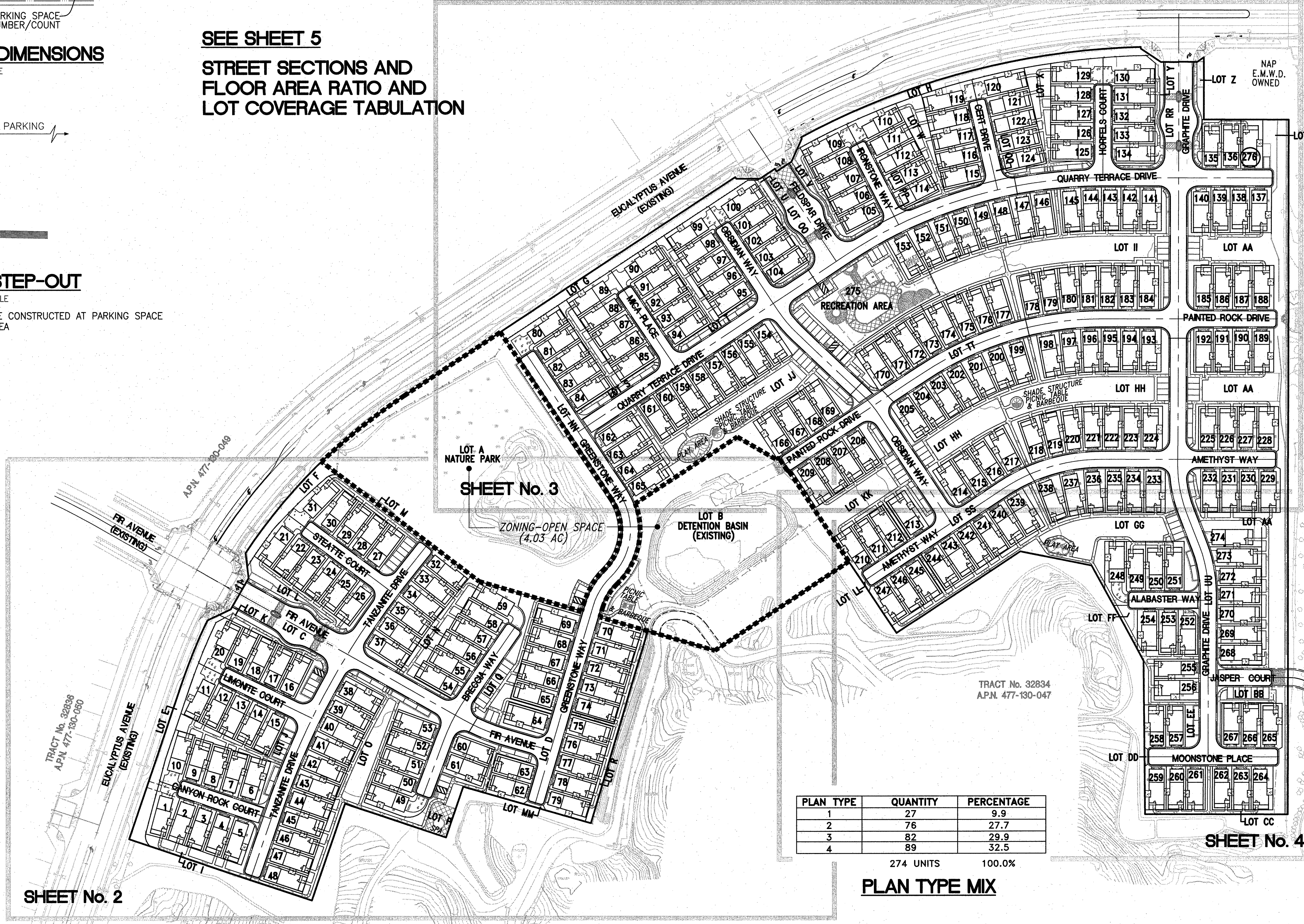


PARKING SPACE DIMENSIONS  
NOT TO SCALE

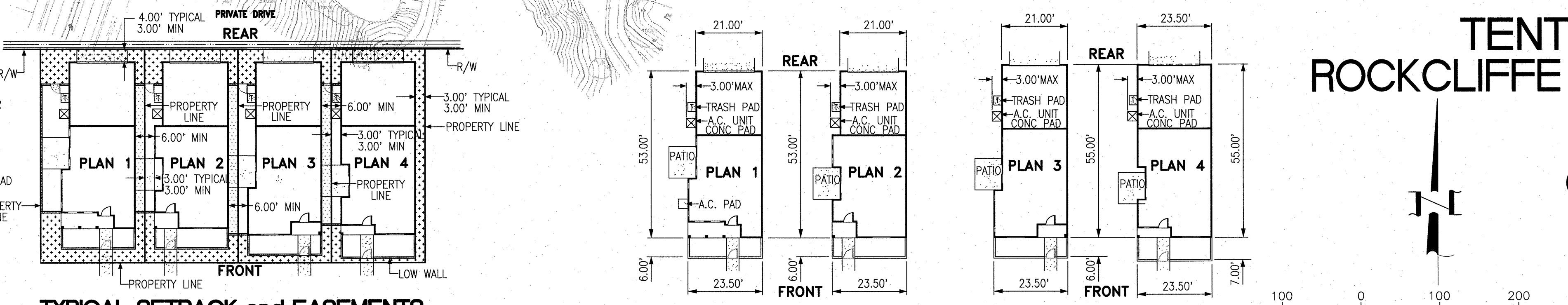


CONCRETE STEP-OUT  
NOT TO SCALE

NOTE  
A CONCRETE STEP-OUT IS TO BE CONSTRUCTED AT PARKING SPACE ADJACENT TO A LANDSCAPING AREA



PLAN TYPE	QUANTITY	PERCENTAGE
1	27	9.9
2	76	27.7
3	82	29.9
4	89	32.5
<b>274 UNITS</b>		<b>100.0%</b>



TYPICAL SETBACK and EASEMENTS and WALLS/GATES SCALE: 1"=5'  
TYPICAL BUILDING PLOTTING SCALE: 1"=5'

**UTILITY PURVEYORS**  
WATER: EMWD  
SEWER: EMWD  
CABLE TV: ADELPHIA  
GAS: SOUTHERN CALIFORNIA GAS COMPANY  
ELECTRIC: CITY OF MORENO VALLEY  
TELEPHONE: VERIZON  
SOLID WASTE: WASTE MANAGEMENT OF INLAND VALLEY

**ZONING**  
CURRENT: CITY OF MORENO VALLEY ZONING -R15 (RESIDENTIAL) / OS (OPEN SPACE)  
PROPOSED: CITY OF MORENO VALLEY ZONING -R15 (RESIDENTIAL) / OS (OPEN SPACE)  
R15 (RESIDENTIAL) ZONE: 24.94 ACRES CURRENT AND PROPOSED  
OS (OPEN SPACE) ZONE: 4.03 ACRES CURRENT AND PROPOSED

DEVIATIONS FROM R15 ZONING	CITY REQUIREMENT	PROPOSED
MINIMUM FRONT SETBACK	25'	3.5' (TYPICAL 6'-7')
MINIMUM REAR YARD SETBACK	20'	3' (TYPICAL 4')
MINIMUM SIDE YARD SETBACK INTERIOR SIDE YARD	10'	3'
MINIMUM SIDE YARD SETBACK STREET SIDE YARD	20'	4.5'
MINIMUM DISTANCE BETWEEN BUILDINGS	20'	6'
MAXIMUM LOT COVERAGE	45%	69%

**SETBACKS**  
FRONT: 3.50' MINIMUM (TYPICAL 6'-7')  
REAR: 3.00' MINIMUM (TYPICAL 4')  
SIDE: 3.00'  
MINIMUM SIDE YARD BUILDING SEPARATION: 6.00'

LAND USE SUMMARY	ACREAGE	PERCENT(%)
LOTS		
1-274 & 276 SINGLE-FAMILY RESIDENTIAL	13.05	45.05%
275 RECREATION	0.46	1.6%
A NATURE PARK	2.38	8.2%
B DETENTION BASIN (EXISTING)	1.65	5.7%
C, D, & NN-UU PRIVATE STREET	5.39	18.6%
E-Z & AA-MM OPEN COMMON AREA	6.04	20.85%
<b>GROSS ACRES</b>	<b>28.97 AC</b>	<b>100.0%</b>

TENTATIVE TRACT No. 36340	NUMBER OF LOTS
NUMBER OF LOTS	276
SINGLE FAMILY DETACHED RESIDENTIAL	275
RECREATION AREA	1
<b>NUMBER OF LETTERED LOTS</b>	<b>49</b>
PRIVATE STREET	12
PRIVATE PARK	1
DETENTION BASIN	1
OPEN SPACE	35
<b>GROSS ACRES</b>	<b>28.97 AC</b>
<b>CONTOUR INTERVAL:</b>	<b>1 FOOT</b>
<b>SCALE:</b>	<b>1"=40'</b>
<b>DATE:</b>	<b>AUGUST 6, 2010</b>

**APPLICANT / DEVELOPER**  
BEAZER HOMES  
1800 E. IMPERIAL HIGHWAY, STE. 200  
BREA, CA 92821  
PH: (714) 285-2900  
FAX: (866) 823-7480  
CONTACT: BRYAN BERGERON

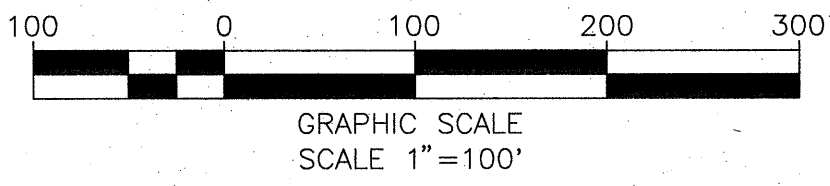
**OWNER**  
BEAZER HOMES  
1800 E. IMPERIAL HIGHWAY, STE. 200  
BREA, CA 92821  
PH: (714) 285-2900  
FAX: (866) 823-7480  
CONTACT: BRYAN BERGERON

# TENTATIVE TRACT No. 36340 ROCKCLIFFE AT STONE RIDGE RANCH PLOT PLAN

CITY OF MORENO VALLEY  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

SHEET 1 of 5  
PA10-0038 \ PA10-0039

CHANGE	DATE	REVISION



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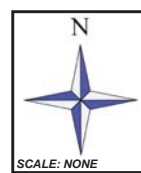
MONUMENT SIGN



SPLIT FACE BLOCK WALL



ENTRY PILASTER



SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WALLS	REMARKS
	ABUTILON THURBERGII	ROCK	36" BOX	W	STANDARD DOUBLE STAGE
	CECIS OCCIDENTALIS	WESTERN REDBUD	24" BOX	L	MULTI-TRUNK
	CECIS CANADENSIS	EASTERN REDBUD	24" BOX	W	STANDARD DOUBLE STAGE
	CECIS CANADENSIS 'SWEET PANSY'	EASTERN REDBUD	36" BOX	W	STANDARD DOUBLE STAGE
	CHITALPA TABACOTENSIS	CHITALPA	24" BOX	L	STANDARD DOUBLE STAGE
	GHORSA SPECIOSA	FLOSS SILK TREE	36" BOX	L	STANDARD DOUBLE STAGE
	LAGERSTROMIA INDICA 'SHERWOOD'	ORANGE MYRTLE 'SHERWOOD'	36" BOX	W	STANDARD DOUBLE STAGE
	PARAKOZIA 'DESERT MUSEUM'	PALO VERDE HYBRID	36" BOX	L	STANDARD DOUBLE STAGE
	PAUS ELDMICA	AFGHAN PINE	24" BOX UNLESS NOTED	L	STANDARD DOUBLE STAGE
	PLATANUS 'RED PUSBY'	PLATANUS	24" BOX STANDARD	W	STANDARD DOUBLE STAGE
	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	24" BOX UNLESS NOTED	W	MULTI-TRUNK
	PLATANUS PARVIFOLIA	CHINESE ELM	24" BOX	W	STANDARD DOUBLE STAGE
	PLATANUS BURSEANA	ORNAMENTAL PLUM	24" BOX	W	STANDARD DOUBLE STAGE
	PLATANUS CERASIFERA 'WINTER VELOURS'	PURPLE LEAF PLUM	24" BOX	W	STANDARD DOUBLE STAGE
	PIRUS CALLERYANA 'SHANTICLEER'	CHANTICLEER PEAR	24" BOX	W	STANDARD DOUBLE STAGE
	QUERCUS AGRIFOLIA	COAST LIVE OAK	36" BOX UNLESS NOTED	L	STANDARD DOUBLE STAGE
	QUERCUS COCCINEA	SCARLET OAK	24" BOX	W	STANDARD DOUBLE STAGE
	QUERCUS ENGELMANNI	ENGELMANN OAK	24" BOX	L	STANDARD DOUBLE STAGE
	QUERCUS VIRGINIANA 'HERITAGE'	SOUTHERN LIVE OAK	36" BOX UNLESS NOTED	L	STANDARD DOUBLE STAGE
	WASHINGTONIA FLORIDA	CALIFORNIA FAN PALM	SEE PLAN	L	BROWN TRUNK HEDGE

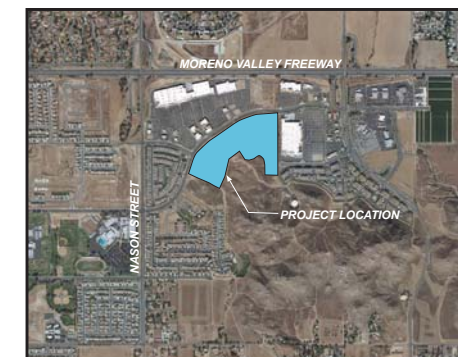
TREE LEGEND



WALL & FENCE LEGEND

STANDARD SPACES	
ACCESSIBLE SPACES	137
TOTAL SPACES	
TOTAL SPACES REQUIRED	69

PARKING LEGEND



VICINITY MAP

ROCKCLIFFE AT STONERIDGE RANCH





TYPICAL ALLEYWAY ELEVATION



TYPICAL ALLEYWAY PERSPECTIVE

PLANTING CONCEPT

Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.



TYPICAL FRONT YARD ELEVATION



TYPICAL WALKWAY PERSPECTIVE

PLANTING CONCEPT

Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.



TYPICAL WALKWAY ELEVATION



TYPICAL CORNER PERSPECTIVE

PLANTING CONCEPT

Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

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# Rockcliffe at Stoneridge Ranch

Planned Unit Development (PUD)

By Beazer Homes  
TR 36340  
January 2011



# ROCKCLIFFE

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## *Section One—Community Design*

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Plan Overview—Purpose and Intent	2
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Plan Overview—Development Standards	4

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Landscape Concept Plan & Wall and Fence Plan	6
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-------------------------	----

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# *Section One*

## *Community Design*



*Beazer*<sup>®</sup>  
*Homes*

*Section One \* Community Design*

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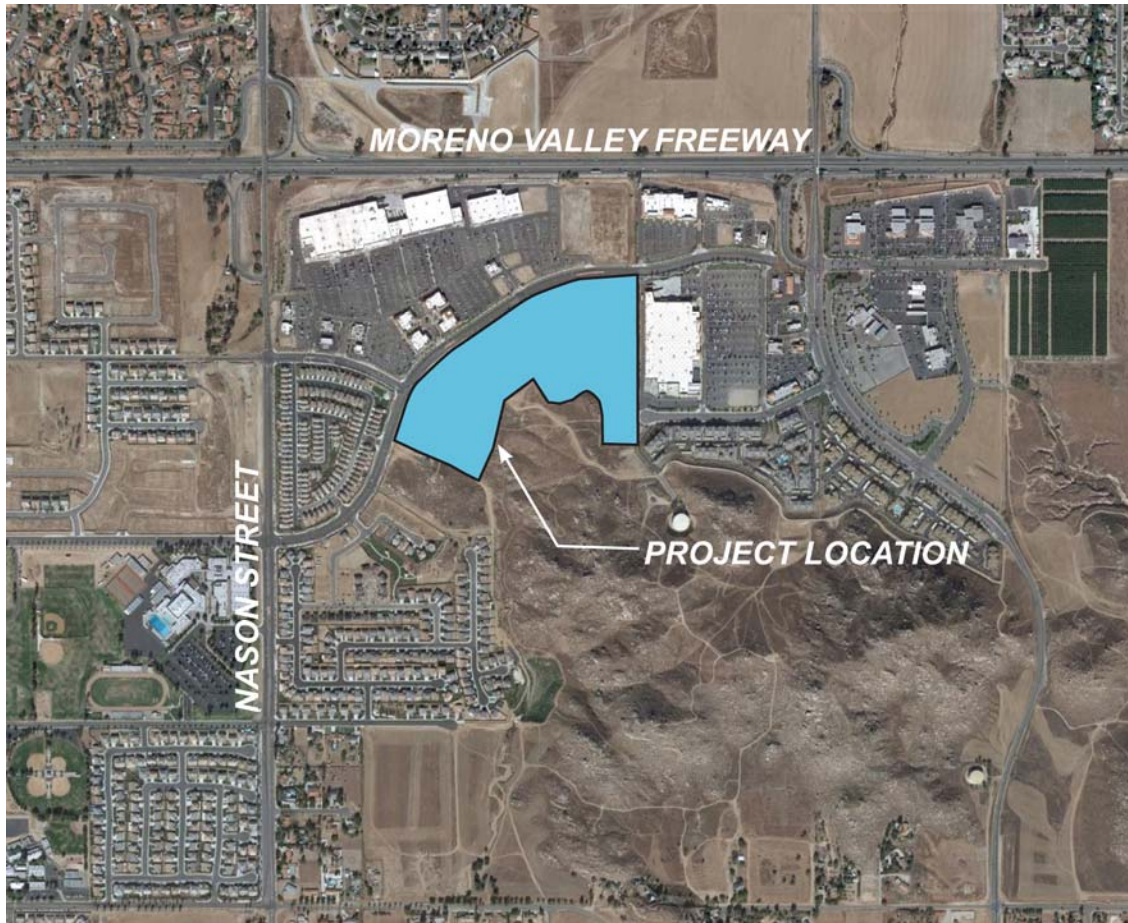
*Rockcliffe at Stoneridge Ranch*



# Plan Overview

## Location

Beazer Homes of Southern California is proposing the development of **Rockcliffe at Stoneridge Ranch**. This community will include a gated small lot single-family residential neighborhood, open space, play areas, and a recreation areas.



Today, the site consist of approximately 29.07 acres of rough graded land located in the City of Moreno Valley. The site is generally located south of Eucalyptus Avenue.

Section One \* Community Design

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# Rockcliffe at Stoneridge Ranch





# Plan Overview

## *Purpose and Intent*

The purpose of the community is:

### *Land Use /Community Planning*

- To develop the community consistent with the City’s General Plan and Zoning;
- To preserve existing natural features;
- To provide open space areas and private community areas that will serve the residents of the community and define;
- To meet the demand for housing in the community and the surrounding regions;
- To develop the project site as a detached “for-sale” residential neighborhood;
- To provide landscaping areas, perimeter walls, and entry signage that are consistent with the City of Moreno Valley standards;
- To provide infrastructure to meet the demands and needs of the project; and
- To create a community that will age gracefully.



### *Circulation /Community Access*

- To provide an on-site circulation system consistent with the City of Moreno Valley standards;
- To provide circulation improvements that address deficiencies in the local vicinity; and
- To provide a circulation system including roadways that meets the needs of the proposed residential community.

*Section One \* Community Design*

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# *Rockcliffe at Stoneridge Ranch*



# Plan Overview

## Project Characteristics

The project includes a single-family detached residential community, featuring two tot lot areas, patio shelters, BBQ, a pool and spa, and neighborhood connections to the regional multi-purpose trail system. A total of approximately 274 homes will be built in this Rockcliffe development. The lot sizes are noted below.

- 1,846 square foot minimum lot
- 3,181 square foot maximum lot
- 2,067 square foot average lot



Section One \* Community Design

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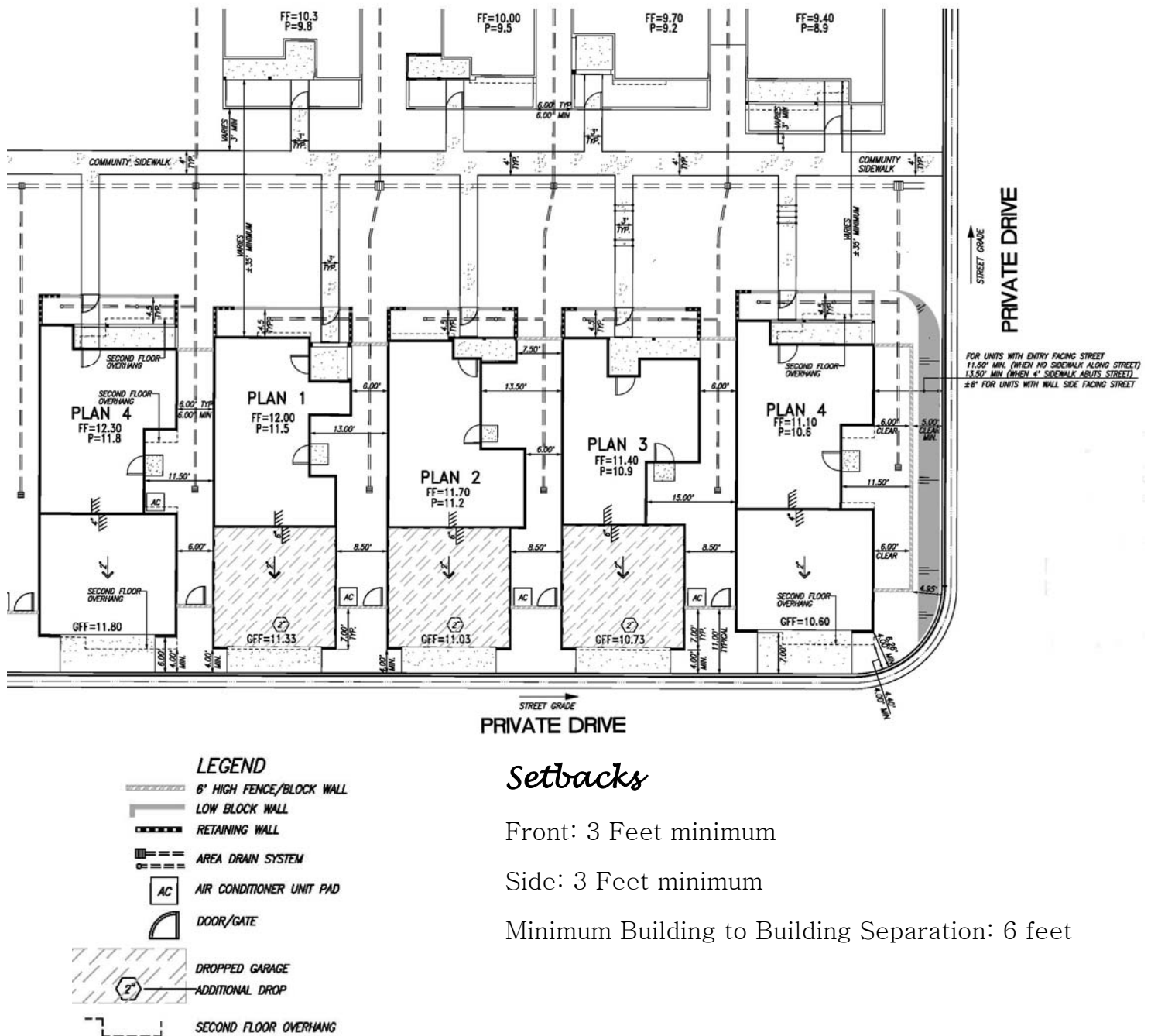
# Rockcliffe at Stoneridge Ranch



# Plan Overview

## Development Standard

The project site will be developed consistent with all site development regulations of the City of Moreno Valley and the Planned Unit Development (PUD).



Section One \* Community Design

# Rockcliffe at Stoneridge Ranch



*Beazer Homes - Tract 36340  
 Rockcliffe at Stoneridge Ranch  
 Site Development Standards Deviation Chart*

Item No.	Item	Standard	Proposed	Allowable Deviation
1	Lot Size			
	Minimum lot size (net area in sq. ft.)	1 acre	1,800 sf	<b>Yes</b>
2	Minimum lot width in feet	200 feet	25 feet	<b>Yes</b>
3	Minimum lot depth in feet	175 feet	60 feet	<b>Yes</b>
4	Minimum front yard setback, in feet	25 feet	3 feet	<b>Yes</b>
5	Minimum side yard setback, in feet			
	Interior side yard	10 feet	3 feet	<b>Yes</b>
	Street side yard	20 feet	3 feet	<b>Yes</b>
6	Minimum rear yard setback, in ft.	20 feet	3 feet	<b>Yes</b>
7	Maximum lot coverage	45%	70%	<b>Yes</b>
8	Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	6 feet	<b>Yes</b>

# *Section Two*

## *Landscape*



*Section Two \* Landscape*

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*Rockcliffe at Stoneridge Ranch*



# Landscape Concept Plan Overview

The *Rockcliffe at Stoneridge Ranch* community will be landscape in substantial conformance with the Landscape Concept Plan. The Landscape Concept Plan provides for community entry statements, detention basin, open space, play areas, BBQs, benches, and a recreation area with a pool and spa.

The landscape concept includes a variety of plant material varying from native, indigenous material to flowering ornamentals. The placement of these materials provide textural and colorful accents at vehicular and pedestrian nodes. Throughout the community the streetscapes promote a peaceful sense of familiarity.

The overall landscape theme blends the community with future *Stoneridge Ranch* residential villages and the future commercial area. To accomplish this landscape theme takes into account responsible concerns of maintenance and water usage, while providing an aesthetically pleasing environment and a comfortable transition between each village neighborhoods.

## *Rockcliffe at Stoneridge Ranch*

### *Landscape Concept Plan Elements*

- Community Recreation
- Open Space
- Entry Statements



Section Two \* Landscape

---

---

# *Rockcliffe at Stoneridge Ranch*





MONUMENT SIGN



SPLIT FACE BLOCK WALL



ENTRY PILASTER



SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WOODS	REMARKS
	ABUTILUS 'MARIAN'	NON	36" BOX	M	STANDARD, DOUBLE STAKE
	CERCIS OCCIDENTALIS	WESTERN REDBUD	24" BOX	L	MULTI-TRUNK
	CERCIS CANADENSIS	EASTERN REDBUD	24" BOX	M	STANDARD, DOUBLE STAKE
	CERCIS CANADENSIS 'FOREST PANDA'	EASTERN REDBUD	36" BOX	M	STANDARD, DOUBLE STAKE
	CHITRALPA TAB-KATENSIS	CHITRALPA	24" BOX	L	STANDARD, DOUBLE STAKE
	CHORIRIA SPECIOZA	FLOSS SILK TREE	36" BOX	L	STANDARD, DOUBLE STAKE
	LAGERSTROEMIA INDICA 'CHEROCHEE'	ORANGE MYRTLE 'CHEROCHEE'	36" BOX	M	STANDARD, DOUBLE STAKE
	HARRISONIA 'DESERT MUSEUM'	PAID VERDE HYBRID	36" BOX	L	STANDARD, DOUBLE STAKE
	PNUS EL-DARICA	AFGHAN PINE	24" BOX UNLESS NOTED	L	STANDARD, DOUBLE STAKE
	PISTACHIA 'RED PUFFY'	PISTACHIE	24" BOX UNLESS NOTED	M	STANDARD, DOUBLE STAKE
	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	36" BOX UNLESS NOTED	M	MULTI-TRUNK
	ULMUS PARVIFOLIA	CHINESE ELM	24" BOX	M	STANDARD, DOUBLE STAKE
	PRUNUS BURSERIA	ORNAMENTAL PLUM	24" BOX	M	STANDARD, DOUBLE STAKE
	PRUNUS CERASIFERA 'KRAUTER VERBISUS'	PURPLE LEAF PLUM	24" BOX	M	STANDARD, DOUBLE STAKE
	PRUNUS CALLERYANA 'CHANTICLEER'	CHANTICLEER PEAR	24" BOX	M	STANDARD, DOUBLE STAKE
	QUERCUS AGROFOLIA	COAST LIVE OAK	36" BOX UNLESS NOTED	L	STANDARD, DOUBLE STAKE
	QUERCUS COCONINA	SCARLET OAK	24" BOX	M	STANDARD, DOUBLE STAKE
	QUERCUS ENGELMANNI	ENGELMANN OAK	24" BOX	L	STANDARD, DOUBLE STAKE
	QUERCUS VIRGINIANA 'HERITAGE'	SOUTHERN LIVE OAK	36" BOX UNLESS NOTED	L	STANDARD, DOUBLE STAKE
	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM	SEE PLAN	L	BROWN TRUNK HEIGHT

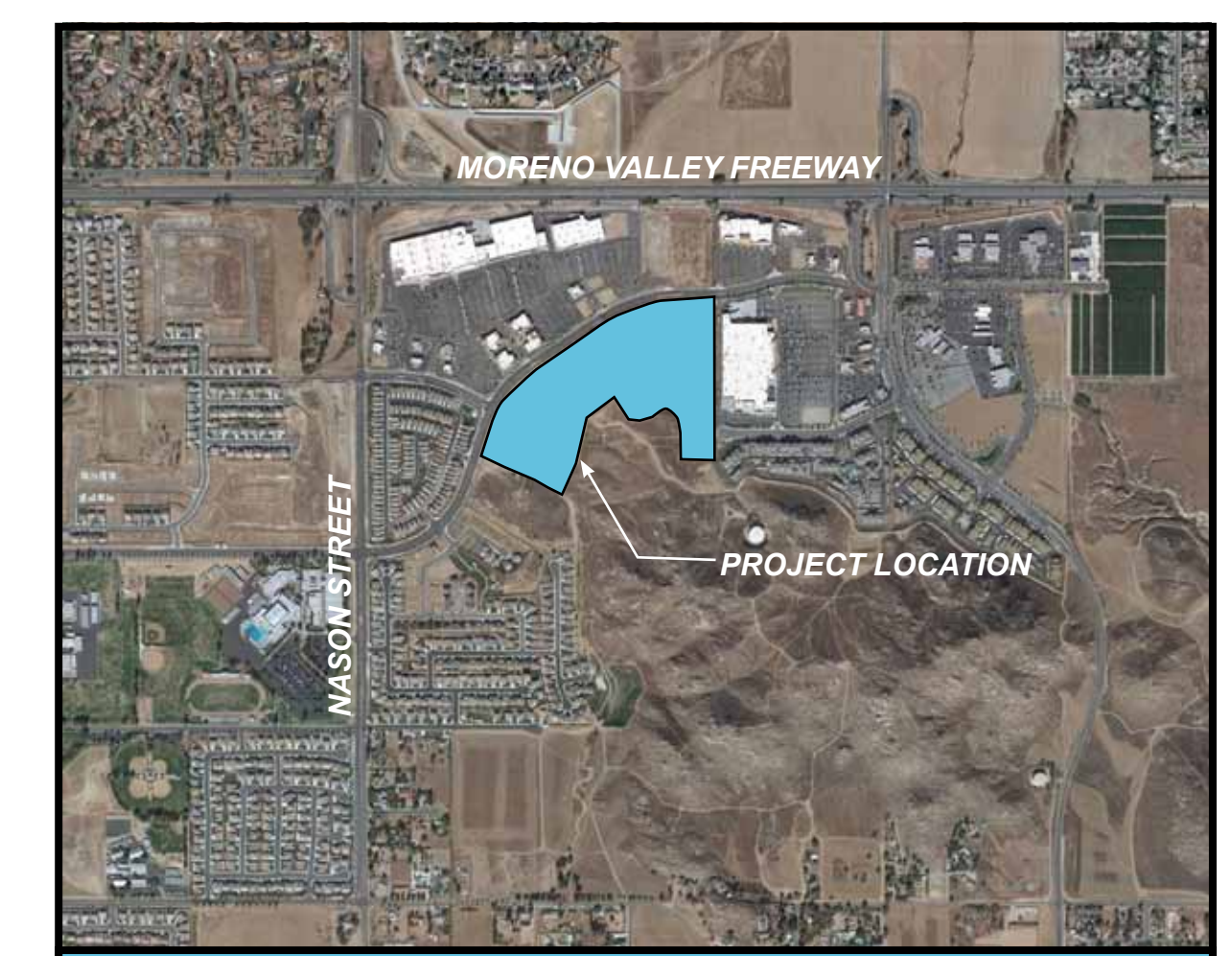
TREE LEGEND



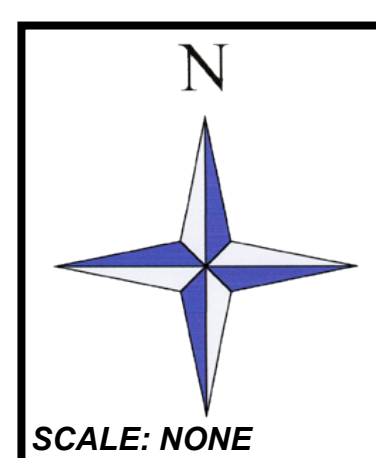
WALL & FENCE LEGEND

STANDARD SPACES	
ACCESSIBLE SPACES	
TOTAL SPACES	137
TOTAL SPACES REQUIRED	69

PARKING LEGEND

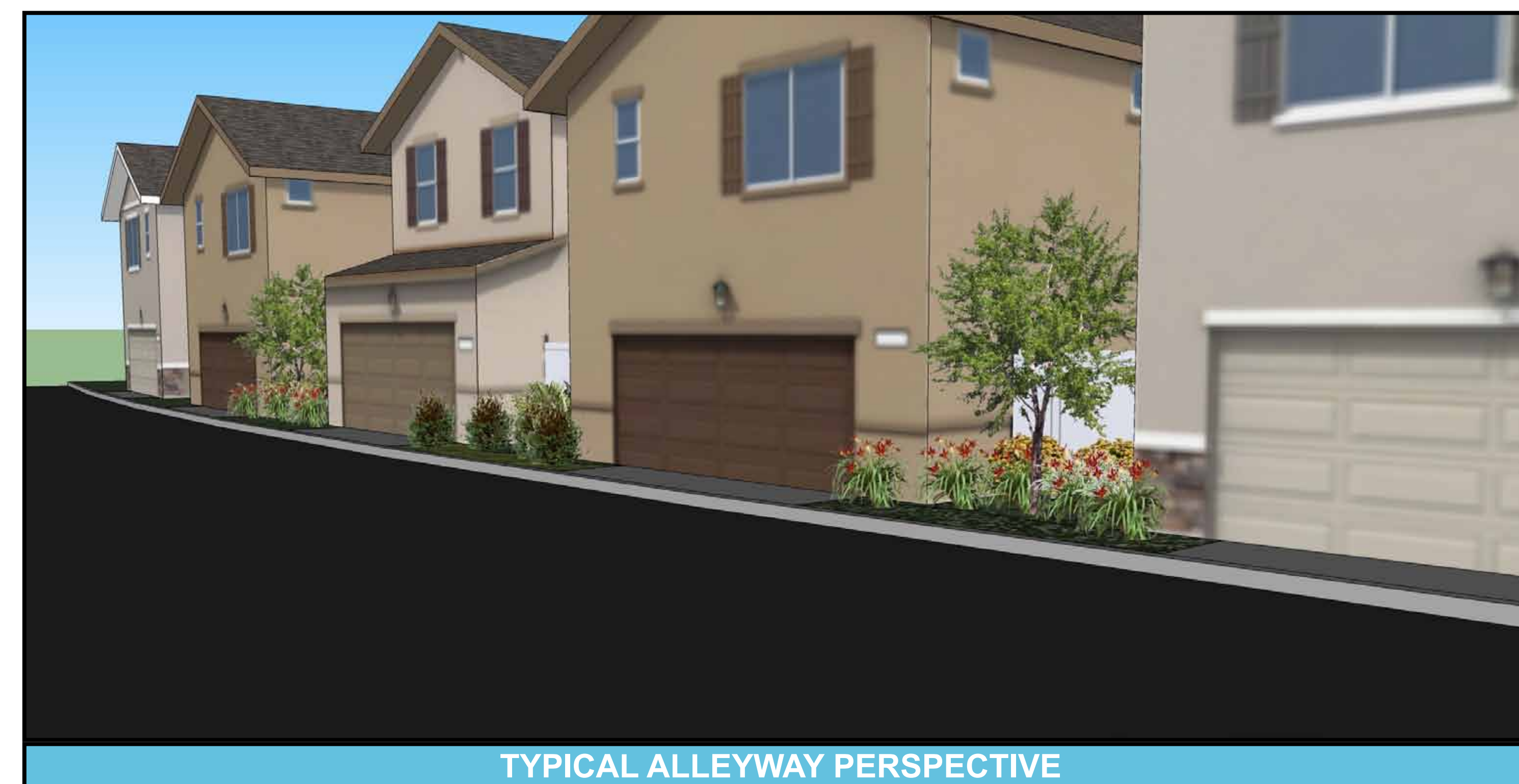


VICINITY MAP





TYPICAL ALLEYWAY ELEVATION



TYPICAL ALLEYWAY PERSPECTIVE

PLANTING CONCEPT

Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.





TYPICAL FRONT YARD ELEVATION



TYPICAL WALKWAY PERSPECTIVE

**PLANTING CONCEPT**

Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.



TYPICAL WALKWAY ELEVATION



TYPICAL CORNER PERSPECTIVE

**PLANTING CONCEPT**


Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

# Landscape Palette

## Landscape Palette

The *Rockcliffe at Stoneridge Ranch* streetscapes will be an informal grouping of evergreen and deciduous trees with colorful accent trees at entry nodes and focal points.

## Streetscape Legend

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	W/COLS	REMARKS
	ARBUTUS 'MARINA'	NCN	36" BOX	M	STANDARD, DOUBLE STAKE
	CERCIS OCCIDENTALIS	WESTERN REDBUD	24" BOX	L	MULTI-TRUNK
	CERCIS CANADENSIS	EASTERN REDBUD	24" BOX	M	STANDARD, DOUBLE STAKE
	CERCIS CANADENSIS 'FOREST PANSY'	EASTERN REDBUD	36" BOX	M	STANDARD, DOUBLE STAKE
	CHITALPA TASHKATENSIS	CHITALPA	24" BOX	L	STANDARD, DOUBLE STAKE
	CHORISIA SPECIOSA	FLOSS SILK TREE	36" BOX	L	STANDARD, DOUBLE STAKE
	LAGERSTROEMIA INDICA 'CHEROKEE'	GRAPE MYRTLE 'CHEROKEE'	36" BOX	M	STANDARD, DOUBLE STAKE
	PARKINSONIA 'DESERT MUSEUM'	PALO VERDE HYBRID	36" BOX	L	STANDARD, DOUBLE STAKE
	PINUS ELDARICA	AFGHAN PINE	24" BOX UNLESS NOTED	L	STANDARD, DOUBLE STAKE
	PISTACIA 'RED PUSH'	PISTACHE	24" BOX STANDARD	M	STANDARD, DOUBLE STAKE
	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	36" BOX UNLESS NOTED	M	MULTI-TRUNK
	ULMUS PARVIFOLIA	CHINESE ELM	24" BOX	M	STANDARD, DOUBLE STAKE
	PRUNUS BLIREIANA	ORNAMENTAL PLUM	24" BOX	M	STANDARD, DOUBLE STAKE
	PRUNUS CERASIFERA 'KRAUTER VESUVIUS'	PURPLE LEAF PLUM	24" BOX	M	STANDARD, DOUBLE STAKE
	PYRUS CALLERYANA 'CHANTICLEER'	CHANTICLEER PEAR	24" BOX	M	STANDARD, DOUBLE STAKE
	QUERCUS AGRIFOLIA	COAST LIVE OAK	36" BOX UNLESS NOTED	L	STANDARD, DOUBLE STAKE
	QUERCUS COCCINEA	SCARLET OAK	24" BOX	M	STANDARD, DOUBLE STAKE
	QUERCUS ENGELMANNII	ENGELMANN OAK	24" BOX	L	STANDARD, DOUBLE STAKE
	QUERCUS VIRGINIANA 'HERITAGE'	SOUTHERN LIVE OAK	36" BOX UNLESS NOTED	L	STANDARD, DOUBLE STAKE
	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM	SEE PLAN	L	BROWN TRUNK HEIGHT

TREE LEGEND

Section Two \* Landscape



# Rockcliffe at Stoneridge Ranch

# Community Recreation

## Recreation Area and Play Areas

The *Rockcliffe at Stoneridge Ranch* includes 3 private recreational area and/or play areas and a spa. The project site includes 6.21 acres of common open space areas.



Play Area 1 includes the following:

- Tot Lot
- Picnic & BBQ Area
- Shade Structure
- Open Turf Play Area

Recreational Area includes the following:

- Recreation Structure
- Pool/Spa
- Overhead Structure
- Picnic & BBQ Area
- Open Turf Play Area

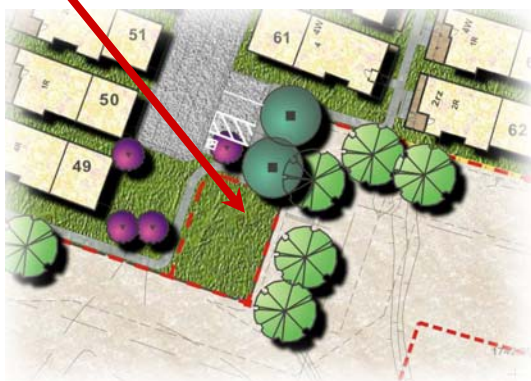


Play Area 2 includes the following:

- Tot-lot
- Open Turf Play Area

Spa Area:

- Spa Area



Section Two \* Landscape

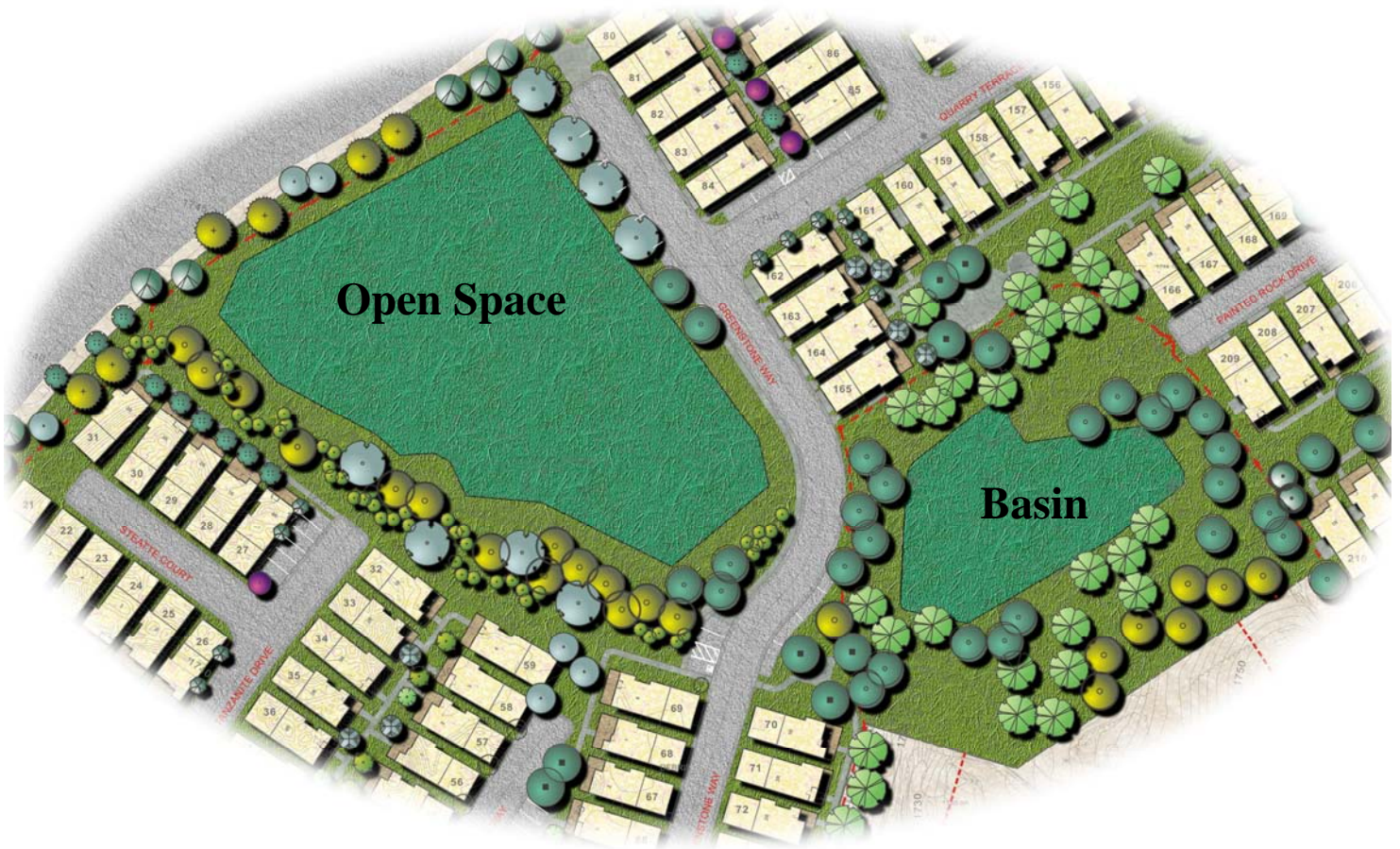
# Rockcliffe at Stoneridge Ranch



# Open Space

## Open Space

The project includes a 2.38 acre private natural open space lot adjacent to the detention basin and play area.



Section Two \* Landscape

# Rockcliffe at Stoneridge Ranch



# Entry Statements

## Community Entry Statements

The *Rockcliffe at Stoneridge Ranch* design program will include a major community entry statement. The statement is located the main entrance to the site off Eucalyptus Avenue. The entry monument materials will reinforce and be reflective of the community identity. The landscaping will incorporate trees as a backdrop and foundation plantings of colorful multi-texture perennial shrubs and flowers. The major entry monument will have Cultured Stone “Desert Blend” façade with precast concrete caps and accent architectural trim. Architectural lettering will be bronze cut, steel back dropped with tan stone tile.



Section Two \* Landscape

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# Rockcliffe at Stoneridge Ranch

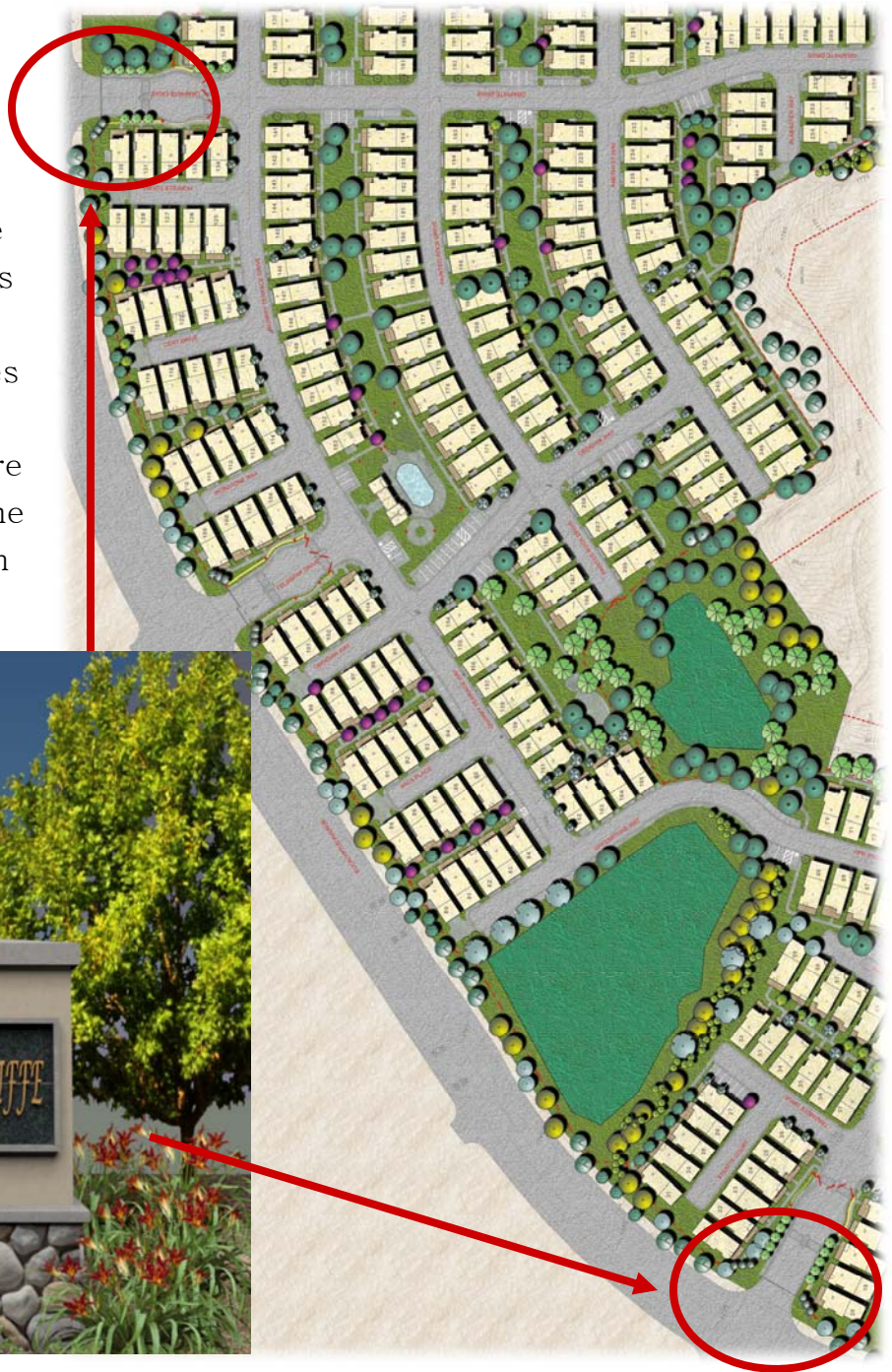


# Entry Statements

## Secondary Entry Statements

The site will have minor entry statements identifying the neighborhood and they will be located at the appropriate two secondary entrances to the project off Eucalyptus Avenue. The minor entry monument reinforces the theme of the village. The landscaping will incorporate trees as a backdrop and foundation plantings of colorful multi-texture perennial shrubs and flowers. The minor entry pilaster will have tan stone tile with a decorative Cul-

tured Stone “Desert Blend” façade base. This pilaster will also have precast concrete cap and



Section Two \* Landscape

# Rockcliffe at Stoneridge Ranch



# *Section Three*

## *Circulation*



*Beazer*<sup>®</sup>  
*Homes*

*Section Three \* Circulation*

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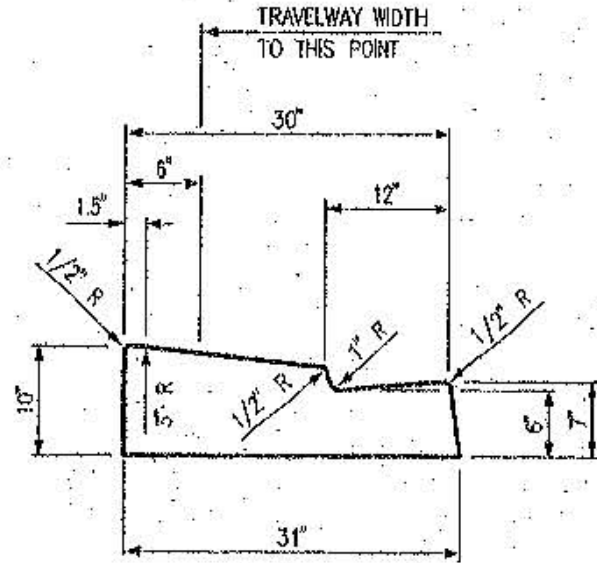
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*Rockcliffe at Stoneridge Ranch*



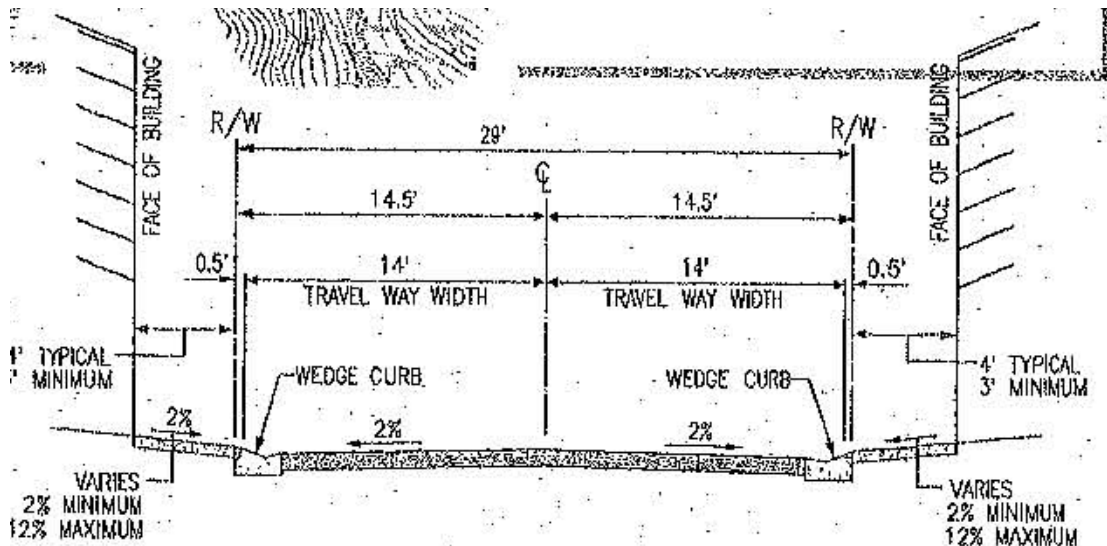
# Circulation System Plan

The *Rockcliffe at Stoneridge Ranch* community will include components for vehicles, bicycles, and pedestrians. Each component is integrated with one another to provide multiple opportunities of the community's residents to move freely.



**4" WEDGE CURB**

NOT TO SCALE



**TYPICAL PRIVATE DRIVE SECTION**

NOT TO SCALE

Section Three \* Circulation

*Rockcliffe at Stoneridge Ranch*





# *Section Four*

## *Architectural*



*Beazer*<sup>®</sup>  
*Homes*

*Section Four \* Architectural*

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*Rockcliffe at Stoneridge Ranch*

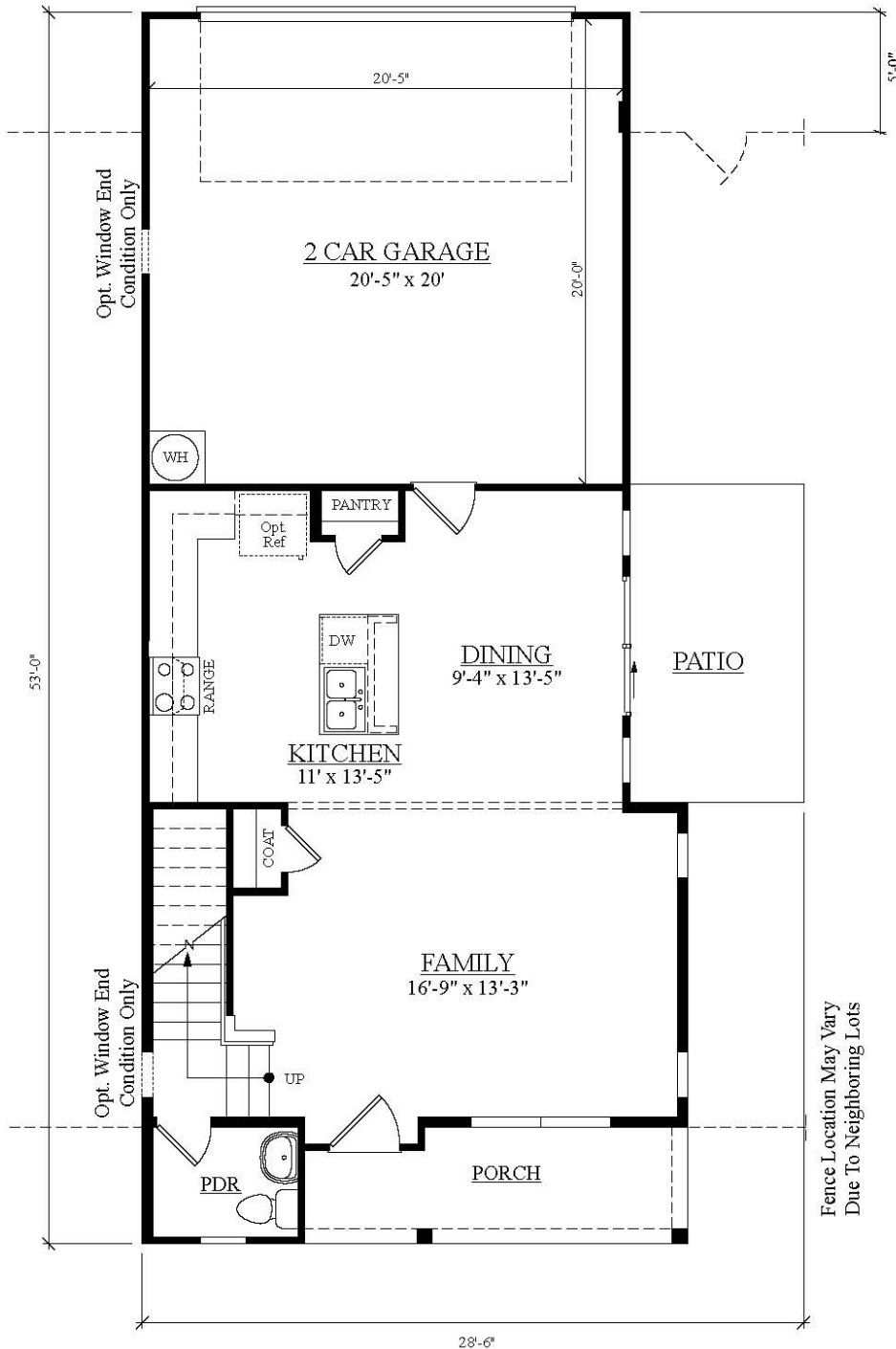


# Residence I

## Residence I

Residence I features a two bedrooms, with an option for a guest suite. There is an island in the gourmet kitchen that serves the dining room. Residence I would be approximately 1375 square feet.

### First Floor



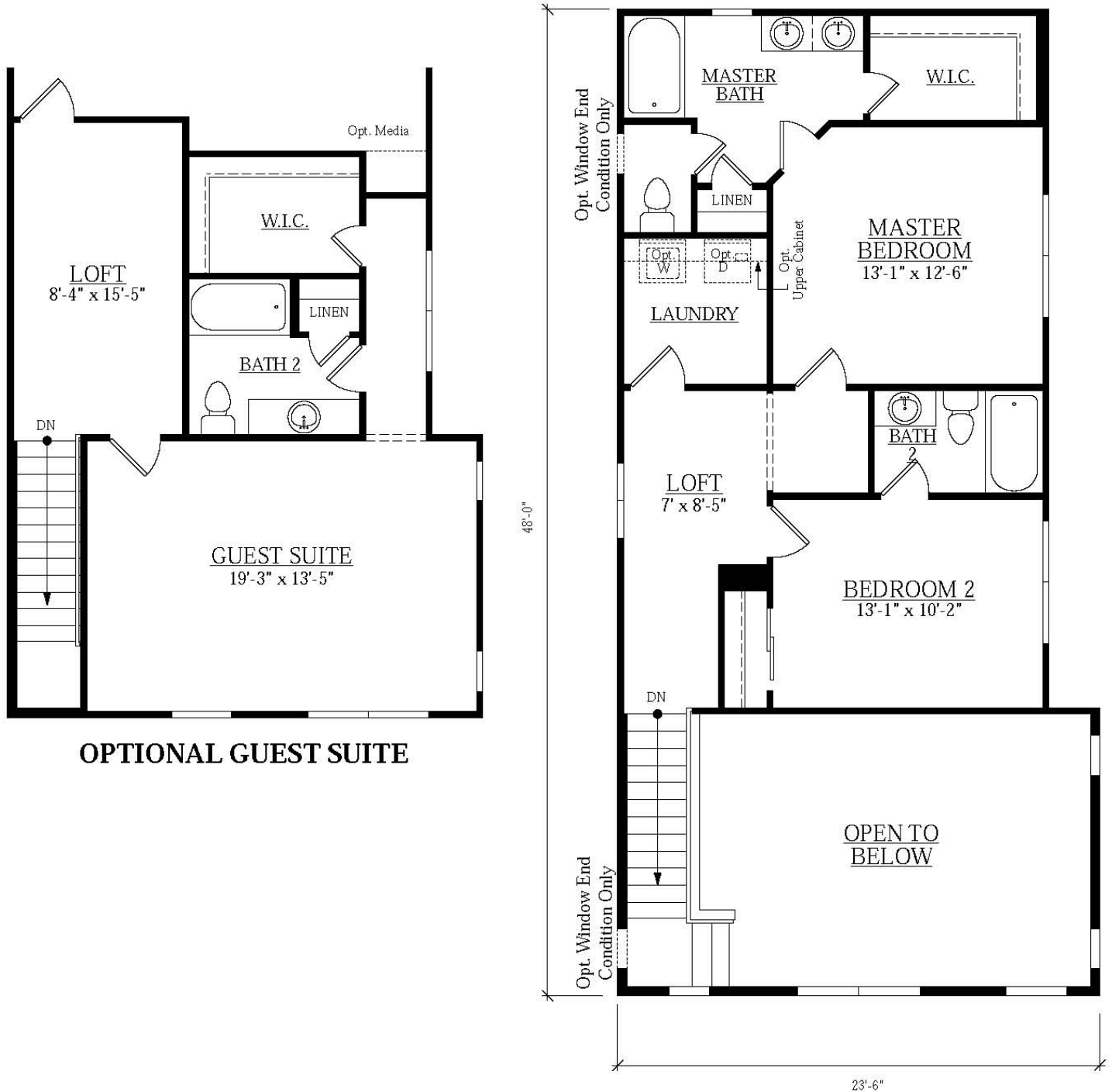
Section Four \* Architectural

# Rockcliffe at Stoneridge Ranch



# Residence I

## Second Floor



Section Four \* Architectural

# Rockcliffe at Stoneridge Ranch



# Residence I



*FCL Elevation*



Distance to  
Fence Will Vary

LEFT ELEVATION AT END CONDITION



REAR ELEVATION



Distance to  
Fence Will Vary

LEFT ELEVATION



Distance to  
Fence Will Vary

RIGHT ELEVATION

*Section Four \* Architectural*

*Rockcliffe at Stoneridge Ranch*



# Residence I

SCL Elevation



Distance to Fence Will Vary

LEFT ELEVATION AT END CONDITION



LEFT ELEVATION

Distance to Fence Will Vary



REAR ELEVATION



Distance to Fence Will Vary

RIGHT ELEVATION

Section Four \* Architectural

Rockcliffe at Stoneridge Ranch



# Residence I



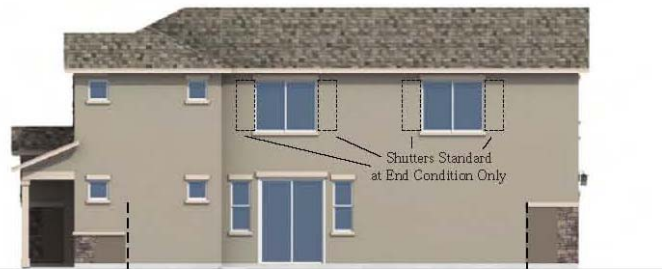
*TUL Elevation*



REAR ELEVATION



LEFT ELEVATION AT END CONDITION



RIGHT ELEVATION



LEFT ELEVATION

Section Four \* Architectural

*Rockcliffe at Stoneridge Ranch*

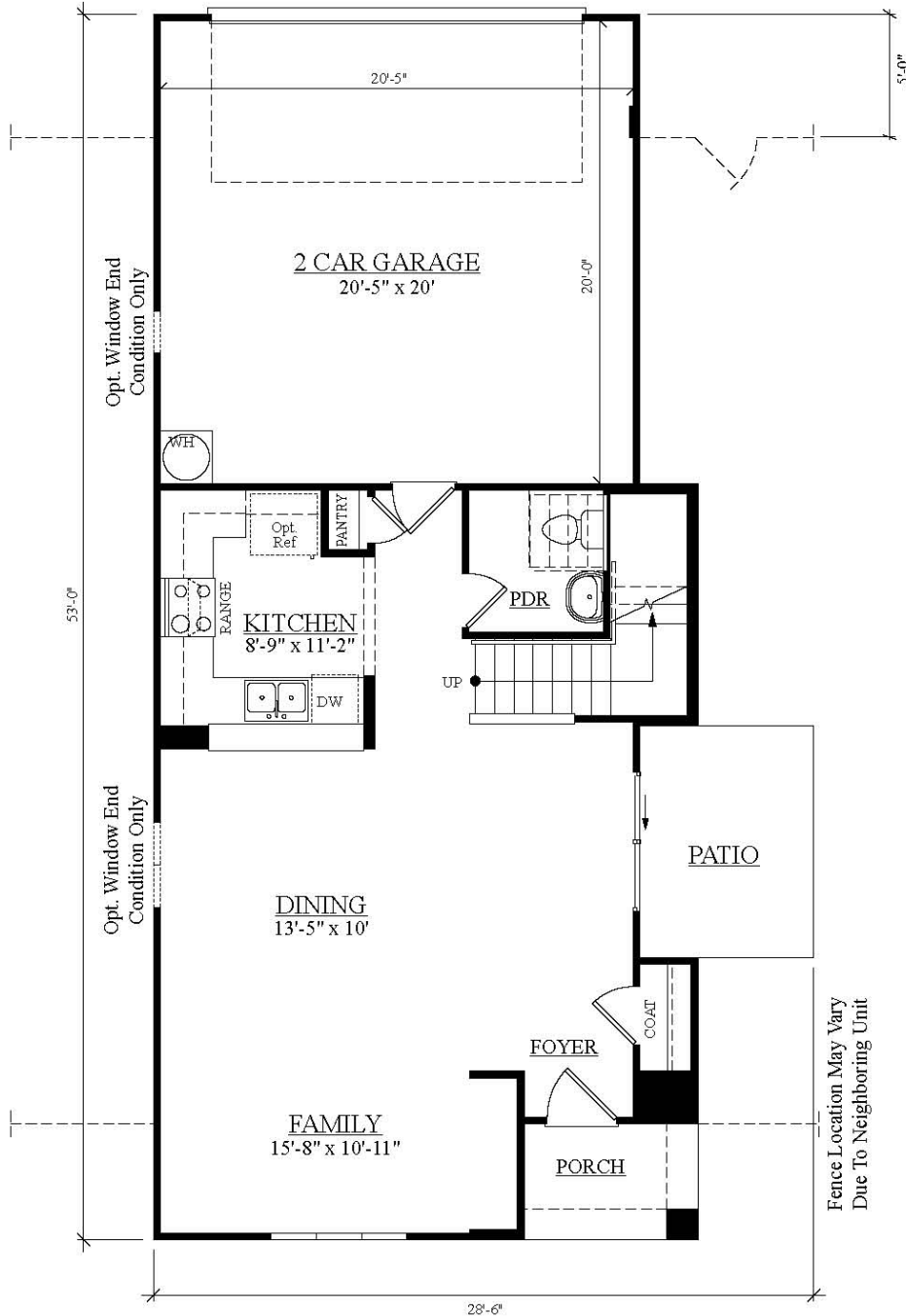


# Residence II

## Residence II

Residence II features a three bedrooms, two and a half baths, and a two car garage. Residence II would be approximately 1664 square feet.

### First Floor



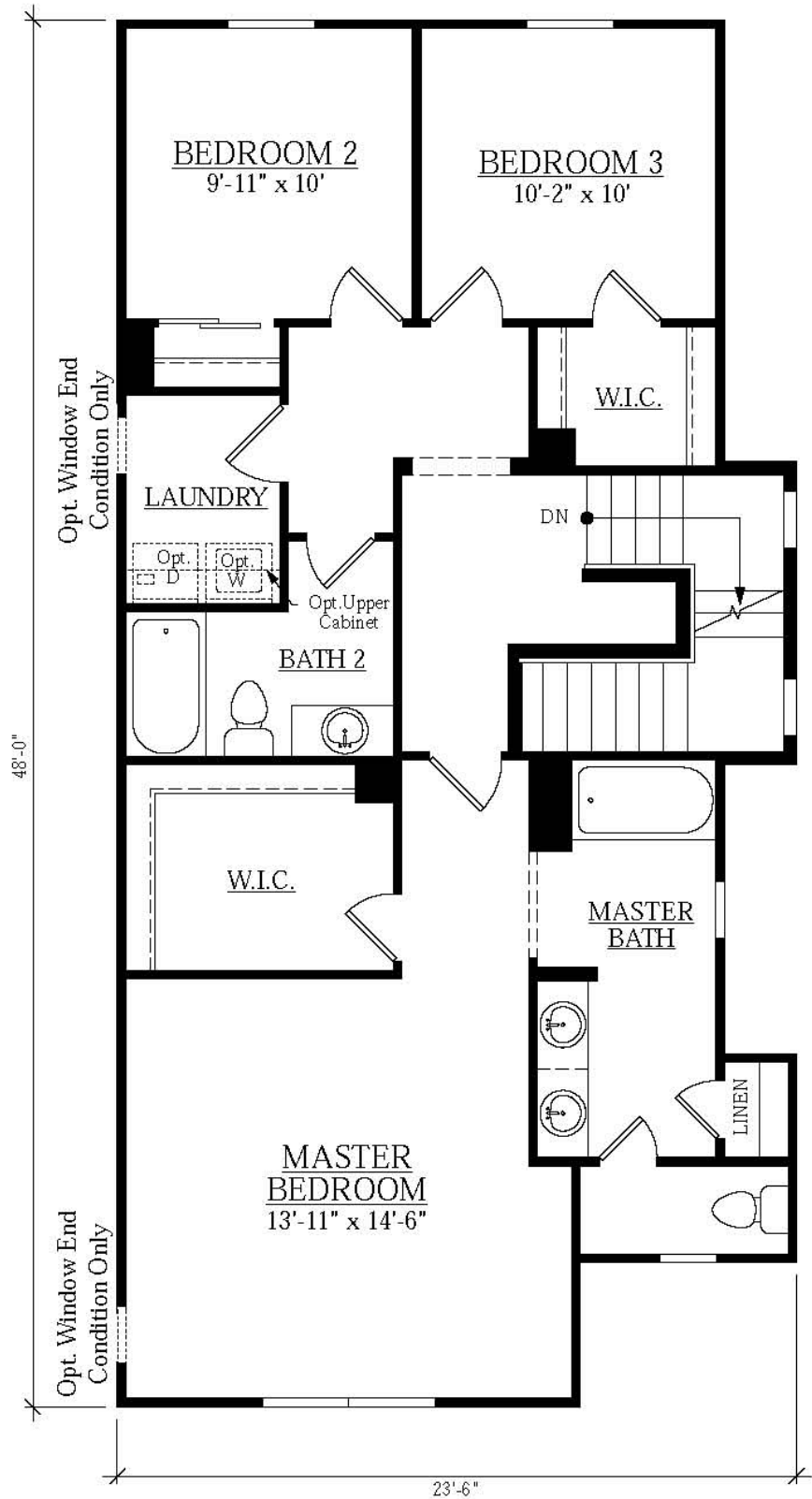
Section Four \* Architectural

# Rockcliffe at Stoneridge Ranch



# Residence II

Second Floor



Section Four \* Architectural

Rockcliffe at Stoneridge Ranch





# Residence II



FCL Elevation



Distance to Fence Will Vary

LEFT ELEVATION AT END CONDITION



REAR ELEVATION



Distance to Fence Will Vary

LEFT ELEVATION



Distance to Fence Will Vary

RIGHT ELEVATION

Section Four \* Architectural

Rockcliffe at Stoneridge Ranch



# Residence II



*SCL Elevation*



REAR ELEVATION



Distance to  
Fence Will Vary

LEFT ELEVATION AT END CONDITION



Distance to  
Fence Will Vary

RIGHT ELEVATION



Distance to  
Fence Will Vary

LEFT ELEVATION

*Section Four \* Architectural*

*Rockcliffe at Stoneridge Ranch*



# Residence II

*TUL Elevation*



LEFT ELEVATION AT END CONDITION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

Section Four \* Architectural

*Rockcliffe at Stoneridge Ranch*

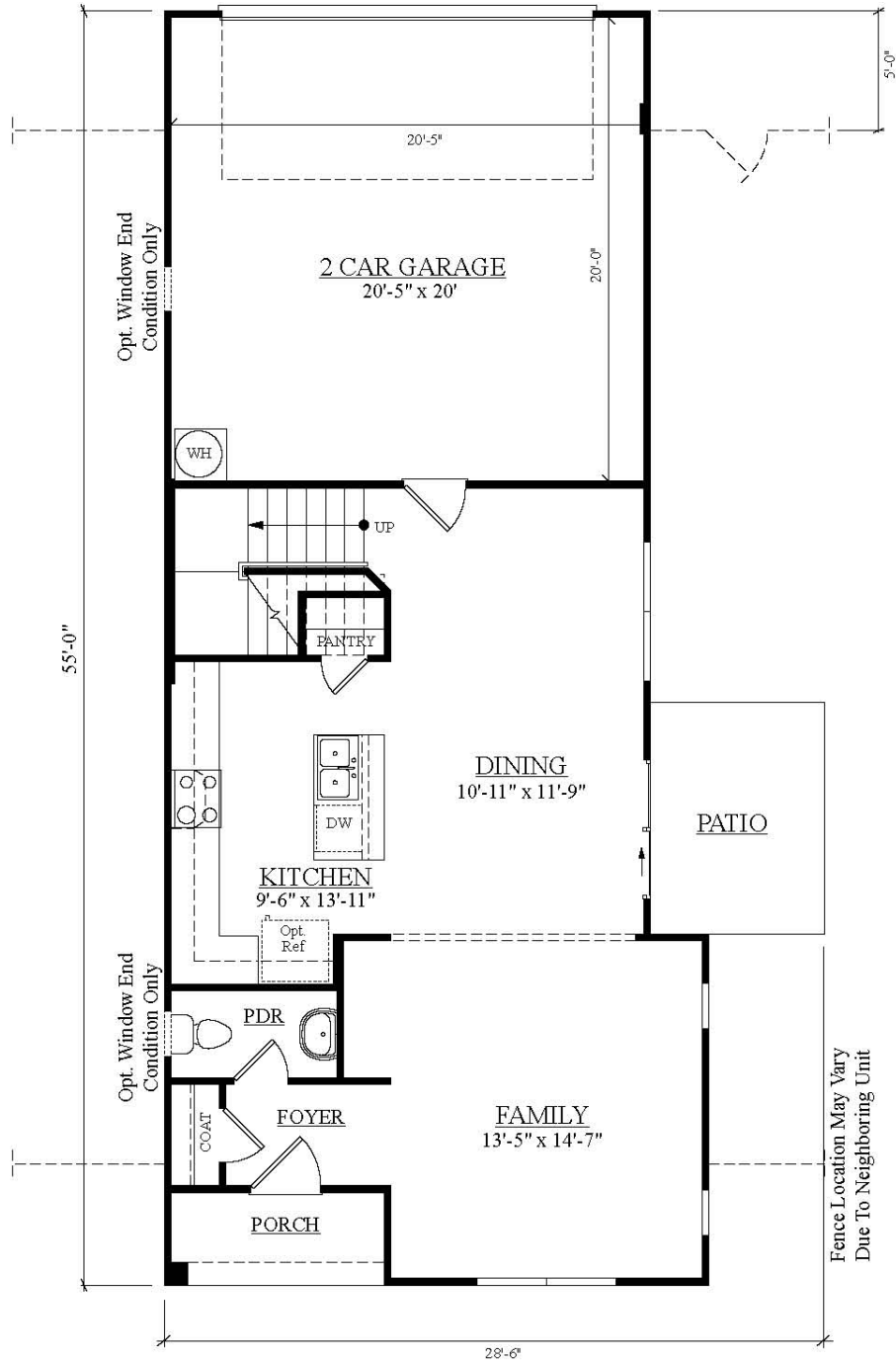


# Residence III

## Residence III

Residence III features a three bedrooms, two and a half baths, and a loft area. There is an island in the gourmet kitchen that serves the dining room. Residence III would be approximately 1815 square feet.

### First Floor



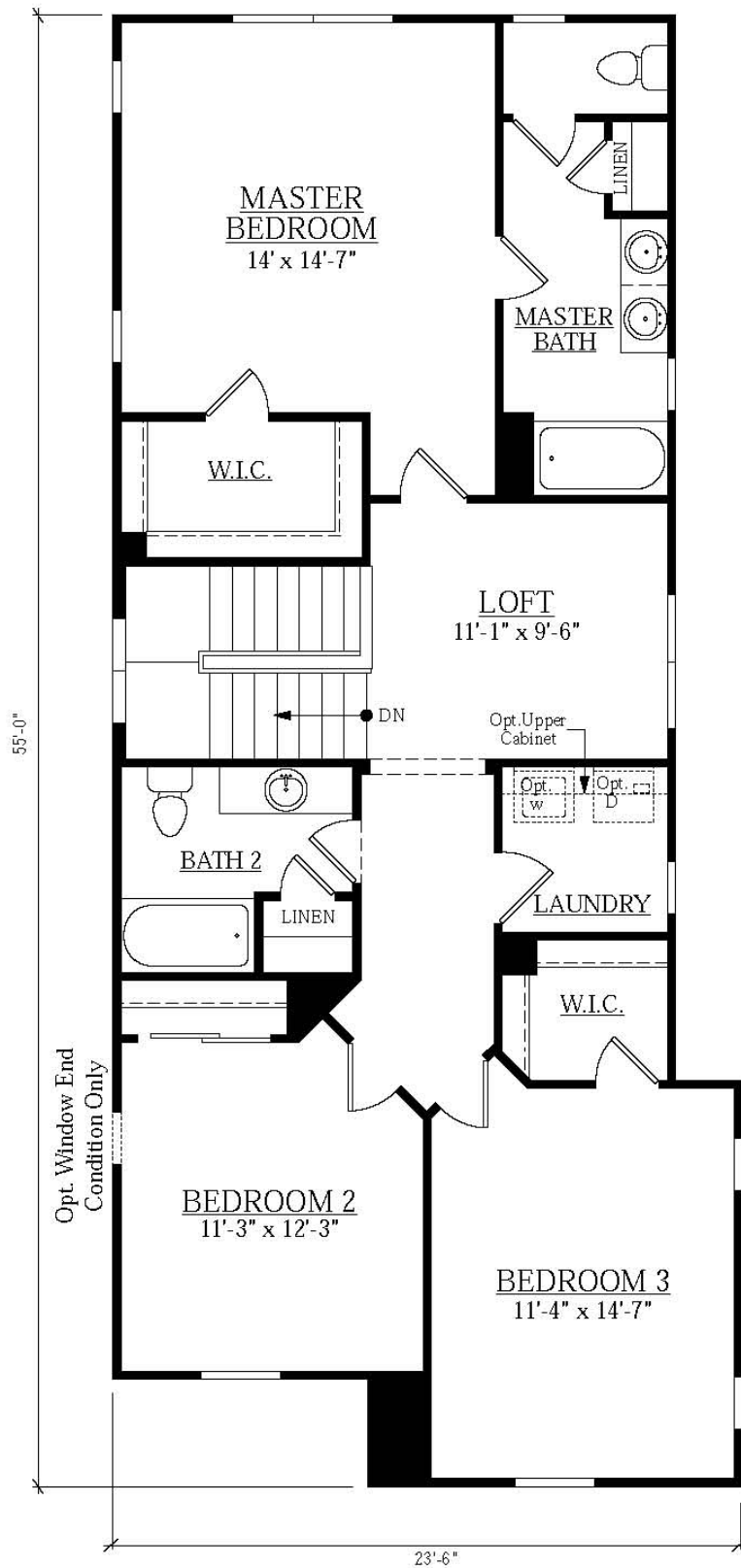
Section Four \* Architectural



# Rockcliffe at Stoneridge Ranch

# Residence III

Second Floor



Section Four \* Architectural

## Rockcliffe at Stoneridge Ranch

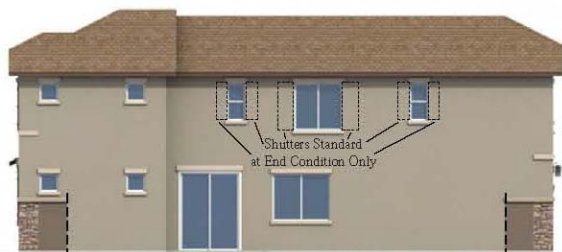


# Residence III

FCL Elevation



REAR ELEVATION



Distance to  
Fence Will Vary

RIGHT ELEVATION



Distance to  
Fence Will Vary

LEFT ELEVATION AT END CONDITION



Distance to  
Fence Will Vary

LEFT ELEVATION

Section Four \* Architectural

Rockcliffe at Stoneridge Ranch



# Residence III



SCL Elevation



REAR ELEVATION



LEFT ELEVATION AT END CONDITION



RIGHT ELEVATION



LEFT ELEVATION

Distance to Fence Will Vary

Section Four \* Architectural

Rockcliffe at Stoneridge Ranch



# Residence III



*TUL Elevation*



REAR ELEVATION



Distance to  
Fence Will Vary

RIGHT ELEVATION



Distance to  
Fence Will Vary

LEFT ELEVATION AT END CONDITION



Distance to  
Fence Will Vary

LEFT ELEVATION

*Section Four \* Architectural*

## Rockcliffe at Stoneridge Ranch



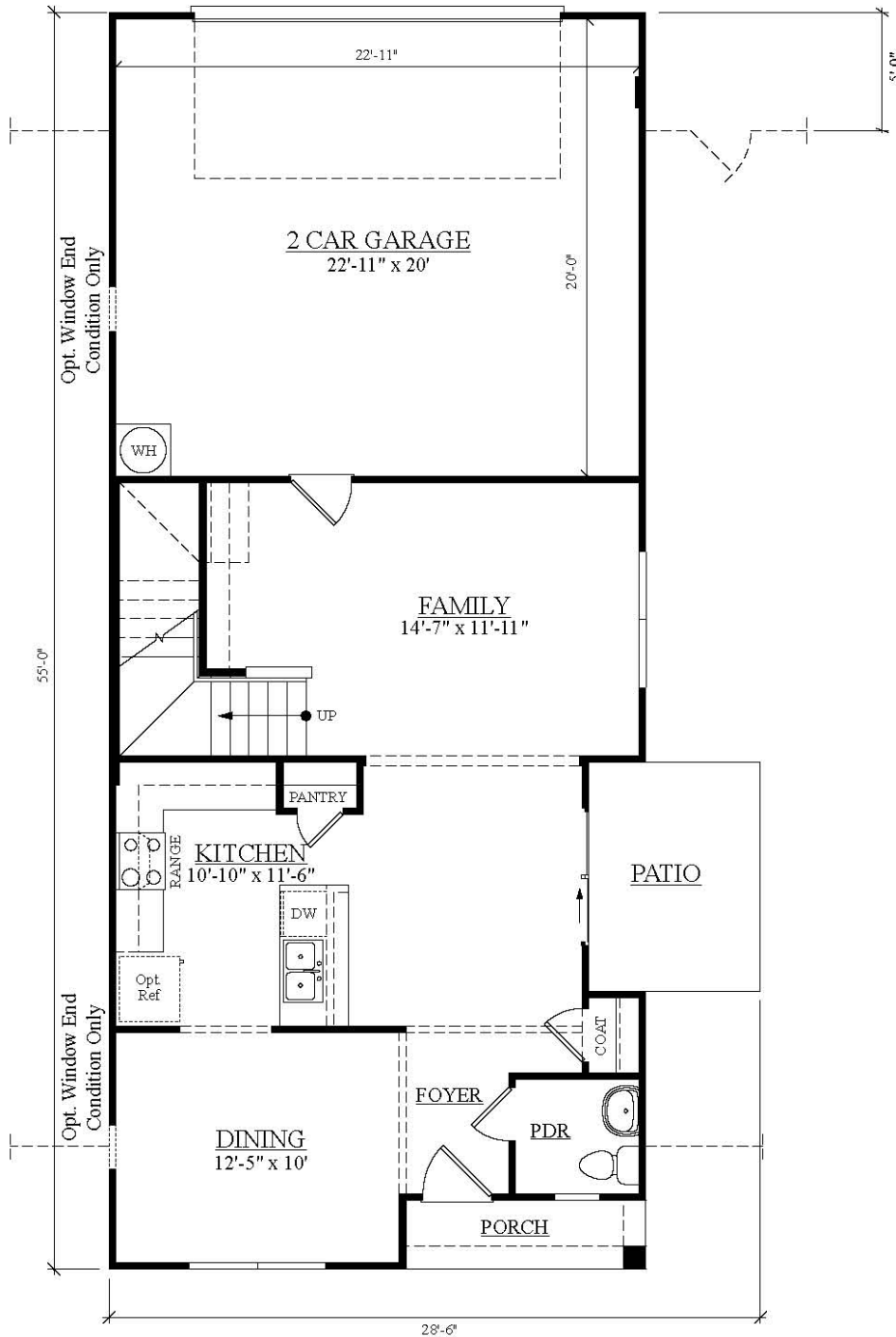


# Residence IV

## Residence IV

Residence IV features a four bedrooms and two and a half baths. Residence IV would have an optional loft area. Residence IV would be approximately 1980 square feet.

### First Floor



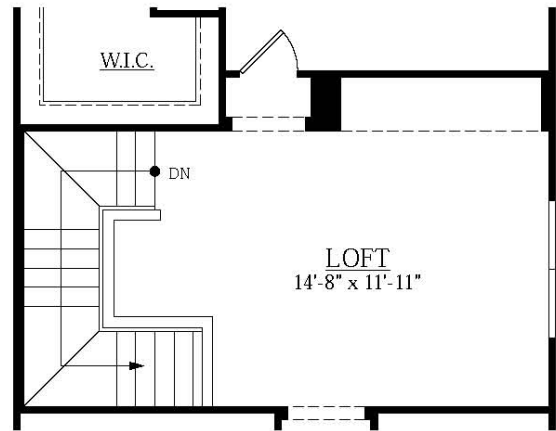
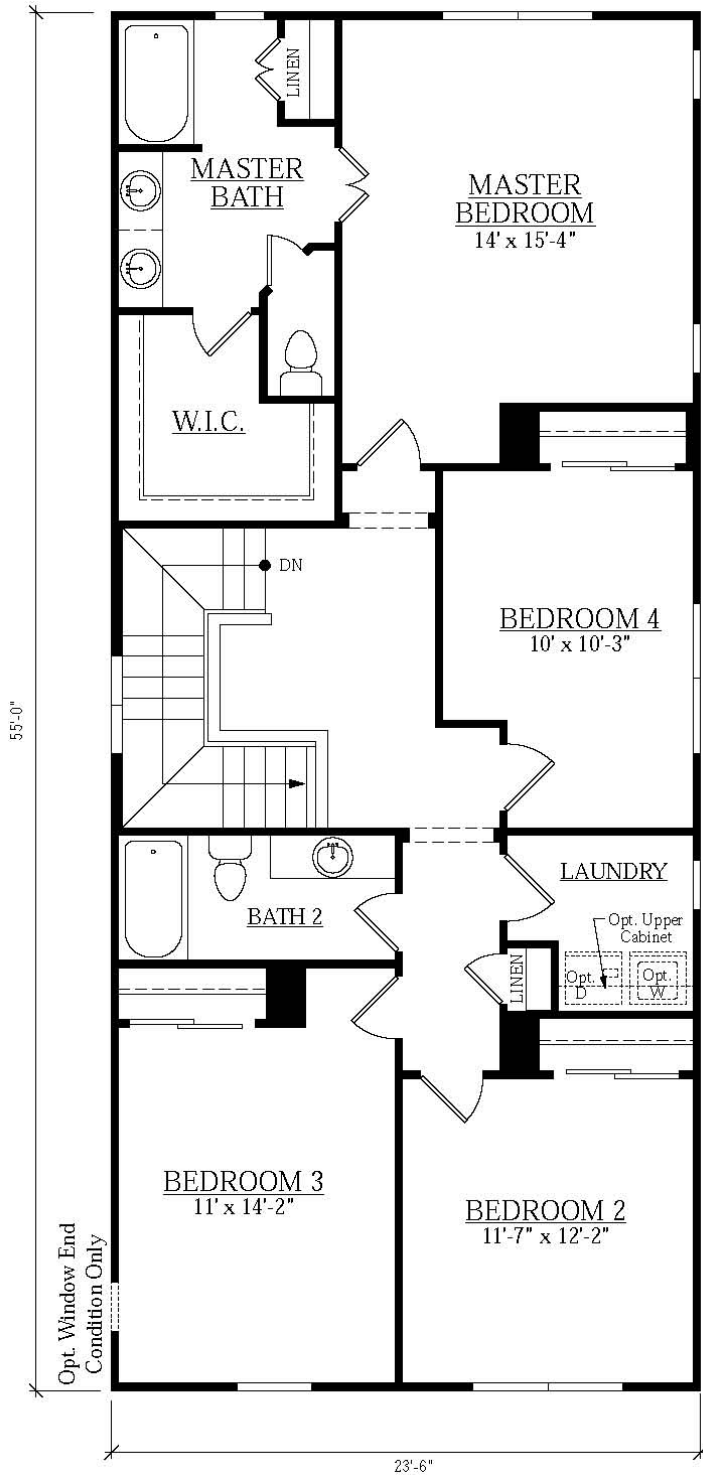
Section Four \* Architectural

# Rockcliffe at Stoneridge Ranch



# Residence IV

## Second Floor



OPTIONAL LOFT ILO BEDROOM 4

Section Four \* Architectural

# Rockcliffe at Stoneridge Ranch



# Residence IV



FCL Elevation

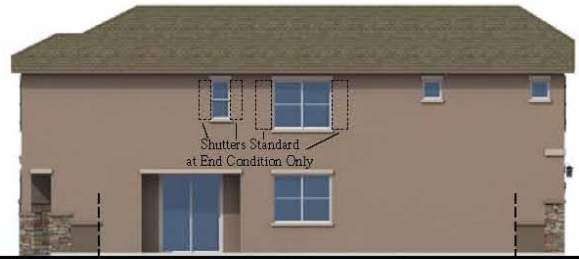


REAR ELEVATION



LEFT ELEVATION AT END CONDITION

Distance to  
Fence Will Vary



RIGHT ELEVATION

Distance to  
Fence Will Vary



LEFT ELEVATION

Distance to  
Fence Will Vary

Section Four \* Architectural

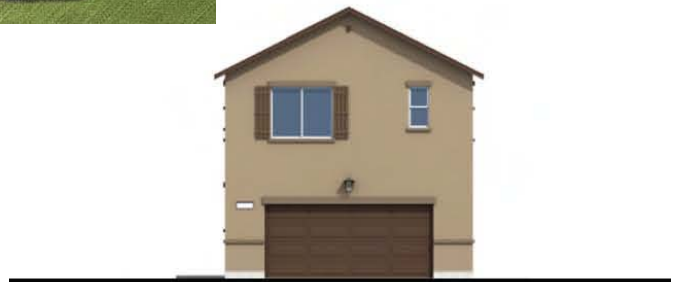
Rockcliffe at Stoneridge Ranch



# Residence IV



SCL Elevation



REAR ELEVATION



Distance to  
Fence Will Vary

RIGHT ELEVATION



Distance to  
Fence Will Vary

LEFT ELEVATION AT END CONDITION



Distance to  
Fence Will Vary

LEFT ELEVATION

Section Four \* Architectural

Rockcliffe at Stoneridge Ranch



# Residence IV



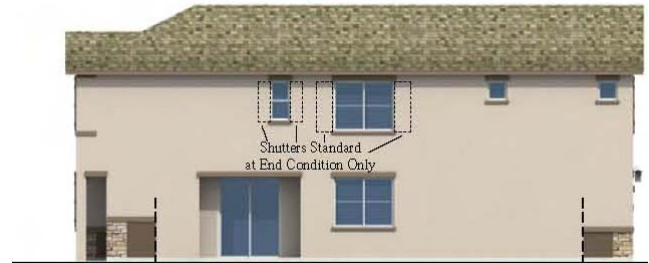
TUL Elevation



REAR ELEVATION



LEFT ELEVATION AT END CONDITION



Distance to Fence Will Vary

RIGHT ELEVATION



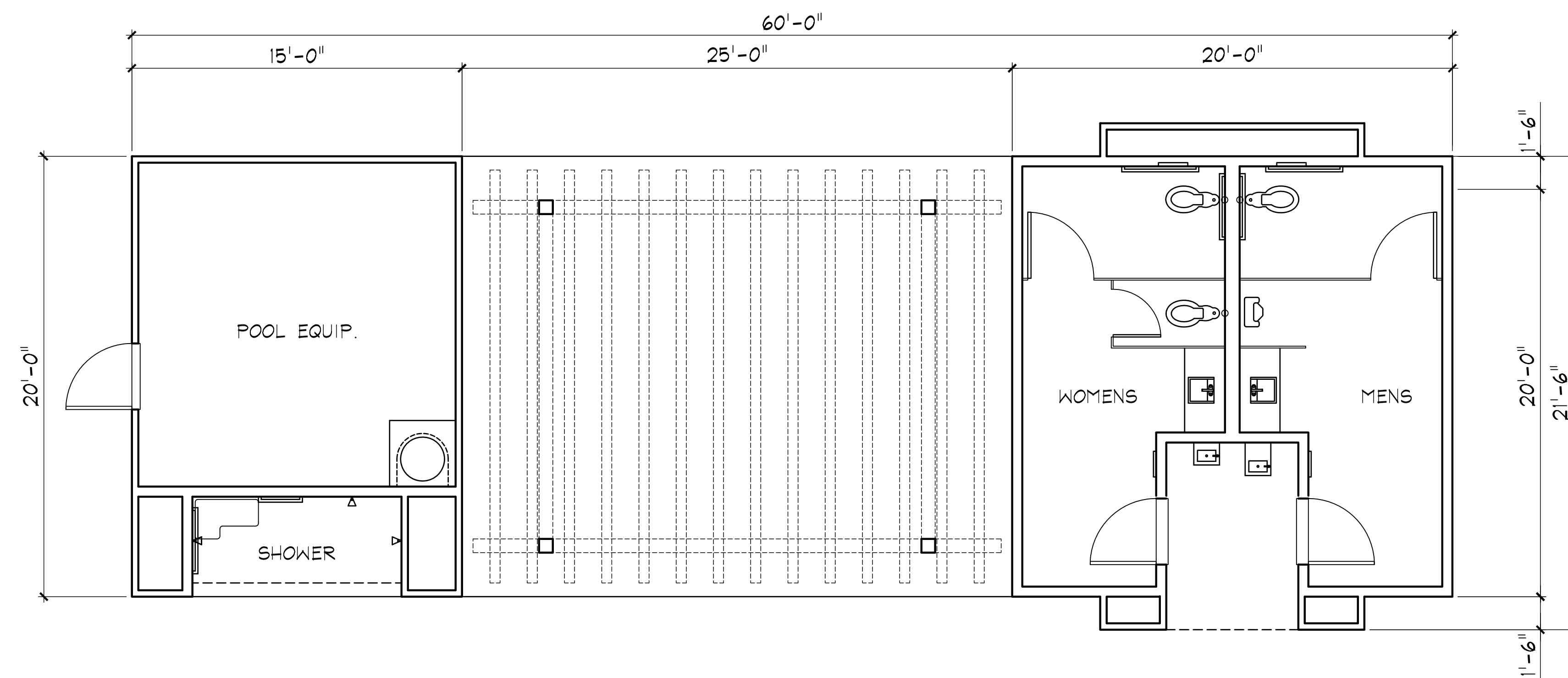
LEFT ELEVATION

Distance to Fence Will Vary

Section Four \* Architectural

Rockcliffe at Stoneridge Ranch





**AREA TABULATION**

POOL EQUIPMENT -	231 SQ. FT.
MENS RESTROOM -	179 SQ. FT.
WOMENS RESTROOM -	179 SQ. FT.
TOTAL DWELLING -	598 SQ. FT.



Job #: 11005  
Date: February 8, 2011



FLOOR PLAN

**"ROCKCLIFFE CABANA"**

Moreno Valley, CA

KEVIN L. CROOK  
ARCHITECT  
INC.

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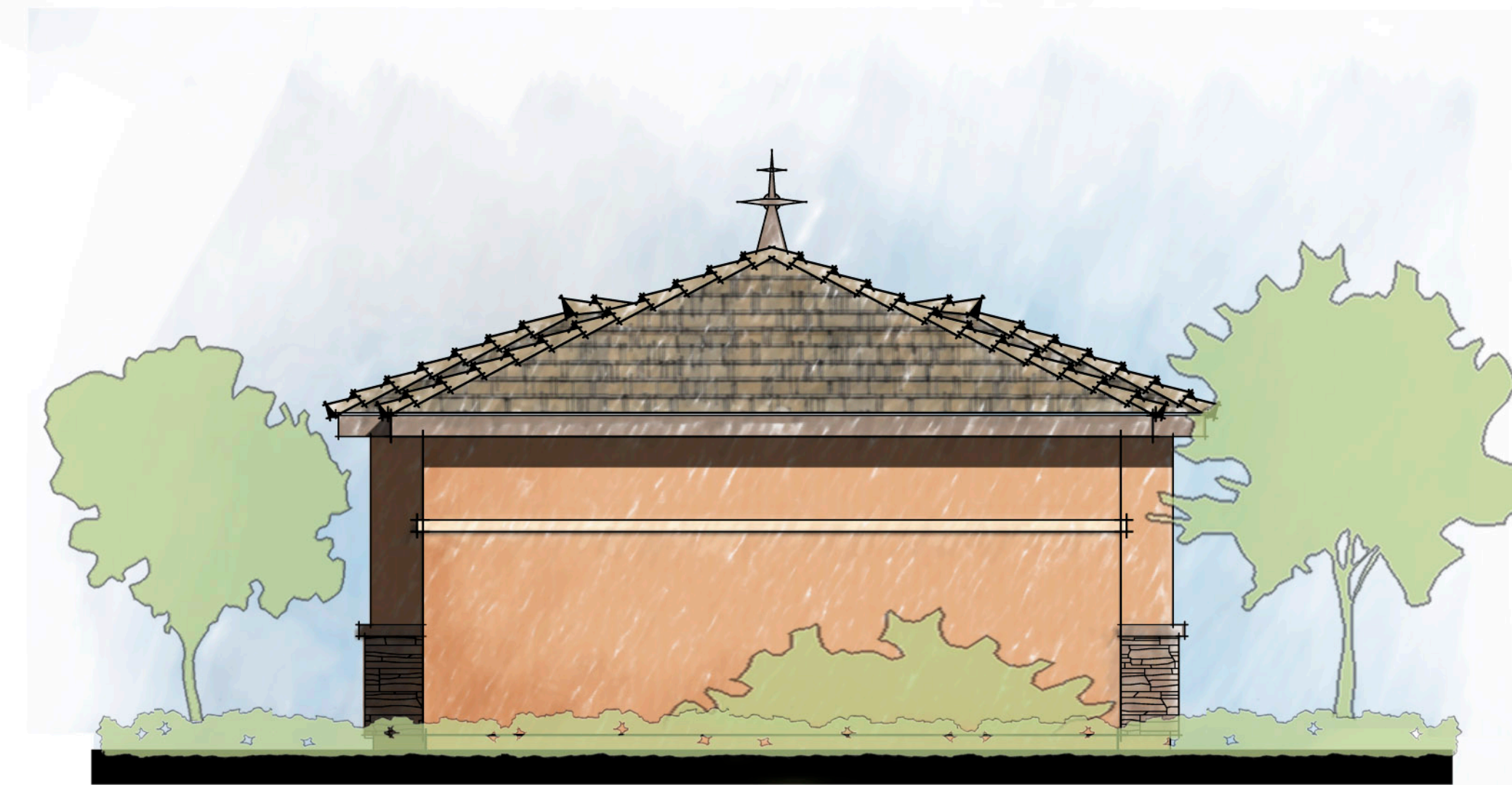
klcarch.com



FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

ELEVATIONS  
"ROCKCLIFFE CABANA"  
Moreno Valley, CA



Job #: 11005  
Date: February 8, 2011



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ARCHITECT  
INC.  
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**CITY OF MORENO VALLEY**  
**Community & Economic Development Department**  
**Planning Division**

## **M E M O R A N D U M**

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To: Chair De Jong and Members of the Planning Commission  
From: Grace Espino-Salcedo, Administrative Assistant *gs*  
Date: February 17, 2011  
Subject: 2010 Annual Report of the Planning Commission

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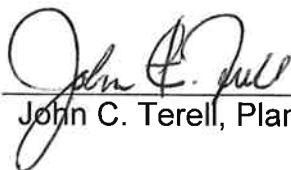
An Annual Report is required to be forwarded to the California State Office of Planning and Research in accordance with Government Code Section 65040.5. The purpose of the Annual Report is to highlight the Planning Commission's major accomplishments in the implementation of the City's General Plan.

The attached Report highlights the major development applications and modifications to City documents that were processed in 2010.

Staff recommends that the Planning Commission:

- 1) **ACCEPT** the 2010 Annual Report of the Planning Commission; and,
- 2) **DIRECT** Staff to forward the 2010 Annual Report of the Planning Commission to the City Council.

Approved by:

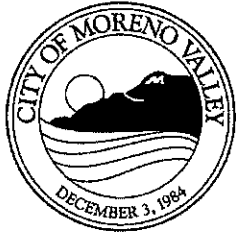


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John C. Terrell, Planning Official

Attachment: 2010 Annual Report of the Planning Commission

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**CITY OF MORENO VALLEY**  
Community & Economic Development Department  
Planning Division

Planning Commission  
**ANNUAL REPORT**  
To the City Council

***JANUARY – DECEMBER 2010***

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GENERAL PLAN IMPLEMENTATION .....9

PROJECT ACTIVITY ..... 12

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## **ACKNOWLEDGEMENTS**

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# ACKNOWLEDGEMENTS

<b>CITY COUNCIL (Elected)</b>	<b>DISTRICT</b>	<b>TERM EXPIRES</b>
Bonnie Flickinger, Mayor	4	November 2010
Robin Hastings, Mayor Pro-Tem	3	November 2012
William H. Batey II	5	November 2012
Jesse L. Molina	1	November 2012
Richard A. Stewart	2	November 2010

<b>PLANNING COMMISSION (Appointed)</b>	<b>TERM EXPIRES</b>
Rick De Jong, Chairperson	March 31, 2011
Ray L. Baker, Vice-Chairperson	March 31, 2013
Michael S. Geller	March 31, 2013
Richard Dozier	March 31, 2013
George Salas, Jr.	March 31, 2013
Maria Marzoeki	March 31, 2011
George Riechers	March 31, 2011

## **CITY MANAGER**

Robert G. Gutierrez

## **DEPUTY CITY MANAGER**

Rick Hartmann

## **COMMUNITY DEVELOPMENT DEPARTMENT**

Kyle Kollar, Director

### **Planning Division**

John Terell, AICP Planning Official  
Daris Vargas, Senior Administrative Assistant  
Grace Espino-Salcedo, Administrative Assistant  
Chris Ormsby, AICP Senior Planner  
Mark D. Gross, AICP Senior Planner  
Claudia Manrique, Associate Planner  
Gabriel Diaz, Associate Planner  
Jeffrey Bradshaw, Associate Planner  
Julia Descoteaux, Associate Planner  
Leticia Esquivel, Senior Permit Technician  
Yahnel Bishop, Permit Technician  
Summer Looy, Permit Technician

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## **MAJOR ACCOMPLISHMENTS**

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# MAJOR ACCOMPLISHMENTS

The Moreno Valley Planning Commission is committed to implementing the adopted General Plan, Development Code and Design Guidelines. The Development Code and Design Guidelines, combined with the adopted Landscape Development and Specifications, are the major tools to implement the General Plan.

The purpose of this Annual Report is to highlight significant accomplishments, summarize ongoing projects, and describe special studies that the Moreno Valley Planning Commission has been working on during the 2010 calendar year. A major function of this report is to acknowledge and evaluate the ongoing implementation of the General Plan. This report is prepared in accordance with Section 65040.5 of the California Government Code.

## **Major Accomplishments in 2010 were:**

Major development projects reviewed by the Planning Commission in 2010 were as follows:

- PA06-0173 (Plot Plan) Construction of 4,877 square feet neighborhood market located in the Village Commercial Zone (VC). Located at southeast corner of Alessandro and Redlands Boulevards (APNS: 478-430-002, 478-430-012, 013, 014 & 015).
- PA07-0147 (Plot Plan), PA07-0157 (Tentative Parcel Map No. 35837 Plot Plan) for a 353,869 square foot warehouse distribution building on approximately 16.55 acres. The project includes a Tentative Parcel Map to merge the two existing parcels into one parcel. The site is zoned Light Industrial (LI) which allows for warehouse distribution facilities. Located at the northeast corner of Cactus Avenue and Joy Street.
- PA07-0007 (Municipal Code Amendment) To amend Municipal Code regulations regarding: (1) trash enclosures, (2) parking standards for nail salons and hotels, (3) on street parking standards for cul-de-sac lots and flag lot width standards, (4) service station design, (5) retaining walls, (6) consolidate parking and circulation section of design guidelines into Chapter 9.11 parking and loading requirements, (7) parking lot planter islands, (8) add a dimension standard for trailer parking spaces and a requirement for the number of trailer parking spaces required, (9) permitting personal services in the Office Commercial (OC) and Business Park Mixed-Use (BPX) zones, (10) landscape setback for Commercial (C) zones. Location: Citywide.
- PA07-0005 (Municipal Code Amendment), PA10-0004 (General Plan Amendment) Municipal Code Amendment to amend various chapters in Title 9 to change Permitted Uses Table 9.02.020-1 along with the creation of two new code sections establish development criteria for mixed use development in the MUD1 and MUD2 zones and the addition of a definition for the "Live/work unit" land use. A General Plan Amendment to revise 2.4.6 by changing the density for the Residential/Office (R/O) designation from 15 to 30 dwelling units per acre. Location: Citywide.



- PA09-0025 (Plot Plan), PA09-0043 (Tentative Parcel Map No. 36262) Plot Plan with hearing for a vehicle fueling station with eight pumps, a 4,000 square foot convenience store, and a 968 square foot automated drive through carwash on 1.77 acres in the Community Commercial (CC) zone. Located at the southwest corner of Alessandro Boulevard and Moreno Beach Drive.
- PA10-0012 (FY 2010-2011 Capital Improvement Plan Conformance with the General Plan) To make a finding that the Fiscal Year 2010-2011 Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan. Various locations throughout the City of Moreno Valley.
- PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map No. 34748), P09-102 (Variance) Tentative Tract Map No. 34748 for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan and Change of zone to change the land use from Business Park (BP) to Residential 5 (R5). Lot sizes will range from 7,200 square feet to 12,576 square feet. The proposed variance covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height. Located at the southeast corner of Heacock Street and Gentian Avenue.
- PA08-0079 (Master Plot Plan), PA08-0080 (Plot Plan), PA08-0081 (Tentative Tract Map No. 36083) Tentative Tract Map No. 36083 to subdivide a 16.9 acres parcel into 6 pads for commercial retail use. Pad A will include a WinCo Supermarket (95,440 square feet) and Pad F additional retail space (14,800 square feet). No specific buildings have been submitted for the other four parcels. Located on the east side of Lasselle Street, between Alessandro Boulevard and Bay Avenue.
- PA09-0045 (Conditional Use Permit) Proposal for the installation of a 50-foot tall monopine telecommunications facility to include 12 antennas, 12TMA antennas, one microwave dish, tow GPS antennas and the associated ground equipment. The monopine and the equipment shelter will be located on the west side of Cottonwood Park in the Residential Agricultural 2 (RA2) zone. Located on the east side of Lasselle Street, between Alessandro Boulevard and Bay Avenue.
- PA09-0024 (Municipal Code Amendment) An update to the Municipal Code revising the second unit development standards to include all second units in all residential zones and deleting the granny unit section; also an update to the single-family design standards to include four-sided architecture and to modify the title of the Landscape Requirements. Location: Citywide.
- PA10-0021 (General Plan Amendment) General Plan Amendment to modify the City's Bikeway Plan. Location: Citywide.
- PA10-0031 (Municipal Code Amendment) Municipal Code Amendment to change Permitted Uses Table 9.02.020-1 in Title 9 by adding pharmacy land use to the Business Park Mixed-Use (BPX) zone. Location: Citywide.
- PA08-0053 (Amendment of the General Plan Housing Element) 2008-2014 Housing Element Review. Citywide.

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- PA09-0027 (Conditional Use Permit) Conditional Use Permit to allow Big 6 Food Mart, a convenience store, to sell alcohol. The alcohol sales would be limited to the license from Alcohol Beverage Control for beer and wine only (Type-20 Off-Sale Beer and Wine license) within the hours of 8:00 a.m. and 8:30 p.m. Located at 21748 Cottonwood Avenue (APN: 263-160-037). (***DENIED***)

**Other Development Projects reviewed by the Planning Commission in 2010 as follow:**

- P10-002 (Amended Plot Plan) Amended Plot Plan for modification of the original conditions of approval for Tentative Parcel Map No. 33275 to re-classify all public roads within the development as private and to eliminate the requirement for a public improvement agreement and security deposit. Located north of Alessandro Boulevard and west of Wilmot Street at Gifford Avenue and Curtis Street. (***DENIED***)
- P10-020 (Conditional Use Permit) Construction of a new 8,700 square foot multipurpose/sanctuary located in the Community Commercial (CC) Zone. Located at 23750 Alessandro Boulevard (APNs: 296-300-005 & 296-300-007).

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# **GENERAL PLAN IMPLEMENTATION**

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# GENERAL PLAN IMPLEMENTATION

The General Plan and the Development Code gives the City of Moreno Valley the tools necessary to guide the development of the City into the next century.

The Planning Commission held public hearings on amendments to the General Plan and the Development Code. The amendments were approved by the Planning Commission and forwarded to the City Council for their approval.

The following General Plan Amendments were recommended for approval by the Planning Commission in 2010:

- PA07-0007 (Municipal Code Amendment) To amend Municipal Code regulations regarding: (1) trash enclosures, (2) parking standards for nail salons and hotels, (3) on street parking standards for cul-de-sac lots and flag lot width standards, (4) service station design, (5) retaining walls, (6) consolidate parking and circulation section of design guidelines into Chapter 9.11 parking and loading requirements, (7) parking lot planter islands, (8) add a dimension standard for trailer parking spaces and a requirement for the number of trailer parking spaces required, (9) permitting personal services in the Office Commercial (OC) and Business Park Mixed-Use (BPX) zones, (10) landscape setback for Commercial (C) zones. Location: Citywide.
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## **PROJECT ACTIVITY**

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SUMMARY OF PLANNING COMMISSION PROJECT ACTIVITY  
FOR THE PERIOD JANUARY 2010 THROUGH DECEMBER 2010

PROJECT TYPE	TOTAL PROJECTS REVIEWED
Amended Design Manual	0
Amended Plot Plan	1
Change of Zone	1
Conditional Use Permit	3
Conditional Use Permit Amendment	0
Development Agreement	0
Development Agreement Amendment	0
Municipal Code Amendment	4
General Plan Amendment	4
Modification to Conditions of Approval	0
Parcel Map	0
Plot Plan	4
Plot Plan Amendment	0
Reversion to Acreage	0
Specific Plan Amendment	0
Specific Plan Adoption	0
Tentative Parcel Map	2
Tentative Parcel Map Amendment	0
Tentative Tract Map	2
Tentative Tract Map Amendment	0
Tentative Tract Map Variance	0
Variance	1
Master Plot Plan and Related	1
10 Year Capital Plan Amendment	1
<b>TOTAL PROJECTS</b>	<b>24</b>

\* This does not include Administrative Approvals that include such projects as: new construction not within 300' of residential, home occupation permits and signs. There were 609 Administrative Approvals and 82 plan check reviews in 2010.

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