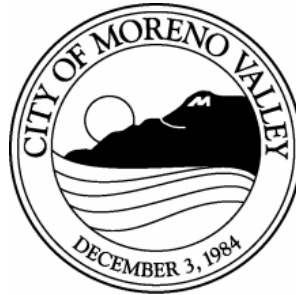

PLANNING COMMISSIONERS

RAY L. BAKER
Vice-Chair

RICHARD DOZIER
Commissioner

GEORGE SALAS, JR.
Commissioner



AMBER CROTHERS
Commissioner

THOMAS A. OWINGS
Commissioner

CARLOS RAMIREZ
Commissioner

MELI VAN NATTA
Commissioner

PLANNING COMMISSION AGENDA

April 14, 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

1. Introduction of New Commissioners: Amber Crothers, Thomas Owings, Carlos Ramirez and Meli Van Natta

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

1. Draft Planning Commission Meeting Minutes (December 9, 2010):
2. Draft Planning Commission Meeting Minutes (January 27, 2011):
3. Draft Planning Commission Meeting Minutes (February 24, 2011):

PUBLIC HEARING ITEMS

1. Case Number: PA07-0129
Case Description: Tentative Tract Map 35606 is a proposal for a 16 single-family residential lot subdivision on 4.8 acres. Lot sizes will range from 7,377 square feet to 12,724 square feet. The project is zoned Residential 5 (R5).
Case Type: Tentative Tract Map
Applicant: Cal Land Engineering (Kevin Tsai)
Owner: Kenney Kha
Representative: Cal Land Engineering (Kevin Tsai)
Location: Metric Dr, west of Perris Blvd and east of Hubbard St (just north of Tranquil Way)
Proposal: Tentative Tract Map 35606 is a proposal for a 16 single-family residential lot subdivision on 4.8 acres. Lot sizes will range from 7,377 square feet to 12,724 square feet. The project is zoned Residential 5 (R5).
Case Planner: Claudia Manrique
Recommendation: **APPROVE** Resolution No. 2011-12 and thereby:
 1. **RECOGNIZE** that PA07-0129 (Tentative Tract Map 35606) qualifies as an exemption in accordance with CEQA Guidelines, Section 15332, as conditioned, will not result in significant environmental impacts; and,
 2. **APPROVE** PA07-0129 (Tentative Tract Map 35606) based on the findings in the Resolution and the Conditions of Approval to the Resolution.

2. Case Number: PA10-0022
Case Description: Modifications to Title 9 of the Municipal code to further refine existing lighting standards to include modifications to onsite, athletic field/park and street lighting to minimize light pollution/trespass and include provisions for dark sky.
Case Type: Development Code Amendment
Applicant: City of Moreno Valley
Owner: N/A
Representative: NA
Location: Citywide
Proposal: Revision of Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, "Applications for Lighting", Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general, athletic field/park and street lighting citywide.
Case Planner: Mark Gross

Recommendation: **APPROVE** Resolution No. 2011-10 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and,
2. **APPROVE** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

OTHER BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

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1 CITY OF MORENO VALLEY
2 PLANNING COMMISSION
3 REGULAR MEETING
4 DECEMBER 9TH, 2010

5
6 **100 CALL TO ORDER**

7
8 Chair De Jong convened the Regular Meeting of the City of Moreno Valley
9 Planning Commission on the above date in the City Council Chambers located at
10 14177 Frederick Street.

11
12
13 **200 ROLL CALL**

14
15 Commissioners Present:

16 Chair De Jong
17 Vice Chair Baker
18 Commissioner Dozier
19 Commissioner Geller
20 Commissioner Marzoecki
21 Commissioner Salas, Jr.

22
23 Staff Present:

24 John Terell, Planning Official
25 Eric Lewis, City Traffic Engineer
26 Julia Descoteaux, Associate Planner
27 Clement Jimenez, Senior Engineer, Land Development
28 Randy Metz, Fire Marshall
29 Suzanne Bryant, Deputy City Attorney
30 Officer Hudson, Moreno Valley Police Department

31
32
33 **300 PLEDGE OF ALLEGIANCE**

34
35
36 **400 APPROVAL OF AGENDA**

37
38 CHAIR DE JONG –Item 400 calls for approval of the Agenda

39
40 COMMISSIONER GELLER – Move approval

41
42 CHAIR DE JONG – Thank you, is there a second

43
44 COMMISSIONER SALAS – Second

1 **CHAIR DE JONG** – Thank you. Is there any discussion? All those in favor?

2
3 Opposed – 0

4
5 **Motion carries 6 – 0**

6
7
8 **500 PUBLIC HEARING ITEMS**

9
10 **CHAIR DE JONG** – Item 500 is to advise the public of the procedures to be
11 followed in this meeting and they are on display on the table by the entrance to
12 the room.

13
14
15 **600 PUBLIC COMMENTS**

16
17 **CHAIR DE JONG** – Item 600 is an for comments by any member of the public to
18 comment on any matter which is not listed on the Agenda but which is within the
19 subject matter of the Commission and I see no Speaker Slips tonight. Does
20 anybody wish to speak at this time? No, thank you.

21
22 **650 RECOGNITION OF FORMER PLANNING COMMISSIONER**
23 **George Riechers, 15 Years of Dedicated Service**

24
25 **CHAIR DE JONG** – Our first item before our Public Hearing Items is Item 650
26 and it is in recognition of former Planning Commissioner George Riechers for 15
27 years of dedicated service. Wonderful! George would you like to come up to
28 the podium perhaps and then actually I'll meet you halfway there. Come to
29 podium and we'll talk. The City... we have a plaque for George tonight and our
30 plaque reads, "The City of Moreno is pleased to honor George Riechers in
31 recognition and appreciation for your 15 years of dedicated service. Your service
32 and commitment contributed greatly to the successful growth and development of
33 the City of Moreno Valley. Planning Commissioner, December 13th, 1994 to
34 September 30th, 2010". Thank you very much for your service George. Does
35 anybody have any comments for George tonight?

36
37 **COMMISSIONER DOZIER** – George; the word community service...There
38 always has to be a shining example of what that is and we think that is you. For
39 all of the years that you have dedicated to not just this Commission, but to many
40 other activities in the community, we have been pleased and I have personally
41 been pleased to have served on this Commission with you and I wish you all the
42 best of luck. Thank you for all your dedication. I appreciate it.

43
44 **COMMISSIONER MARZOEKI** – I'll go next. George, I've learned so much from
45 you and I really do miss you not being here on the Commission. I love your
46 spunkiness. I love your wit and just your knowledge of planning in general. It

1 was just amazing. I loved sitting next to you all the time because you taught me
2 so much about what it meant to be a Planning Commissioner and thank you for
3 that and I wish you all the best in the future.

4
5 **COMMISSIONER GELLER** – Well we often did not agree. I always appreciated
6 the lively debate and you know like I say I always appreciated your opinions.
7 Sometimes we were together by ourselves and sometimes we were on opposite
8 sides, but you always had a different perspective and I certainly appreciated it
9 and I'm sorry to see you go.

10
11 **PLANNING OFFICIAL TERELL** – Before you leave George, Bruce Springer was
12 going to try to make it tonight. He was in Orange County, so he wanted me to
13 read something into the record for you and so I'll read it... "Dear George....
14 Thank you for the many years of good hard debate. The citizens of Moreno
15 Valley have benefited from your thorough and conscientious insights into the
16 General Plan and a myriad of planning issues. The gut instincts that you
17 provided during our sessions provided the Commission, Planning Staff and the
18 Applicants with years of solid direction. Lastly on a personal note I learned to
19 respect your opinion and your integrity. Warmest regards, Bruce Springer". And
20 to follow on that and in talking for the Planning Staff for Moreno Valley as well as
21 the other Review Staff, I certainly appreciated your insight and your willingness to
22 stand up for what you believed and I think everyone benefited from that, so I'll
23 miss you and I know a lot of other people will miss you here, but you know how
24 to contact us. I know that you still have opinions, so we look forward to hearing
25 from you again.

26
27 **FORMER PLANNING COMMISSIONER RIECHERS** – Thank you. Thank you
28 all.

29
30
31 **700 PUBLIC HEARING ITEMS**

32
33 **710**

34 **P10-020 Conditional Use Permit**

35
36 **CHAIR DE JONG** – May I have the Staff Report please?

37
38 **ASSOCIATE PLANNER DESCOTEAUX** – Good evening Planning
39 Commissioners. I'm Julia Descoteaux, Associate Planner. Before you this
40 evening is Item P10-020 which is a Conditional Use Permit which is for an 8,700
41 square foot sanctuary and multi-purpose building in the Neighborhood
42 Commercial Zone, located at 23750 Alessandro Boulevard.

43
44 The proposed building will be north of the existing church building on the site. It
45 is currently developed in the shopping center. There are several points of access
46 into the integrated shopping center via Alessandro Boulevard. The existing

1 shared parking with the shopping center will remain. The project will be
2 conditioned to upgrade the existing landscaping and do the parking lot in addition
3 to the new structure. The project has been reviewed and again the design is
4 consistent with the existing building and will closely resemble that building.

5
6 As designed, the building will have a composition shingle roof which will match
7 the existing building. The existing building was originally built as a restaurant
8 and does not match the surrounding shopping center, however at the time the
9 City Council initiated a Code change, which has since been revoked that allowed
10 the themed restaurant that was there prior and the Church has purchased two
11 lots within the shopping center and converted the restaurant into a Church.

12
13 The project was submitted in March of 2010. Several revisions were requested
14 and submitted and all the relevant issues have been adequately addressed to the
15 satisfaction of all parties. The project is exempt from the California
16 Environmental Quality Act as an Infill Development project. Notice was sent to
17 all property owners within 300 feet and as of this date I have no comments or
18 questions regarding the application. This concludes Staff's presentation and at
19 this time I can answer any questions for you.

20
21 **CHAIR DE JONG** – Thank you. Are there any Commissioner questions of Staff?
22 I have a couple. LD23 asks the designer to provide to the greatest extent
23 feasible the implementation of water quality treatment at the site. What has been
24 done?

25
26 **ASSOCIATE PLANNER DESCOTEAUX** – Okay, I'll refer to Clement Jimenez

27
28 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – Hi, good evening.
29 LD23 condition regarding water quality treatment... the developer has agreed to
30 the maximum extent practical... direct the roof run-off into landscape areas that
31 surround the building or that will surround the building. They are also going to be
32 required to cover the trash enclosures per the current standard to prevent
33 contaminants from washing out underneath the trash enclosure area and they
34 are also providing grass swales around the building for water quality treatment.

35
36 **CHAIR DE JONG** – Has the use of porous concrete been entertained at all?

37
38 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – It's a suggestion in the
39 conditions but no commitment from the developer at this point.

40
41 **CHAIR DE JONG** – Okay, thank you. The second question and this is minor, but
42 there are two diamond planters in the parking lot that are empty on both plans;
43 the Landscape Plan and the Site Plan. I assume that there is a tree to go in
44 there. Can you tell me what type of tree?

1 **ASSOCIATE PLANNER DESCOTEAUX** – Yes the existing parking lot will have
2 to be upgraded with any trees that are missing and additional landscaping where
3 it is sparse will have to be revitalized.

4
5 **CHAIR DE JONG** – Okay I’m talking about the two diamond planters specifically
6 right in the center that are not showing any new tree at all.

7
8 **ASSOCIATE PLANNER DESCOTEAUX** - They are conditioned to... B14 has
9 conditioned them to do that.

10
11 **CHAIR DE JONG** – Fine I didn’t want that to slip through. Thank you. No other
12 comments of Staff right? At this time I’m going to open Public Testimony and call
13 the Applicant forward. Please state your name and address for the record.

14
15 **APPLICANT MURRAY** – Steve Murray, the Architect for the project.

16
17 **CHAIR DE JONG** – Thank you. Are there any Commissioner questions of the
18 Applicant? Actually do you have anything you’d like to tell us?

19
20 **APPLICANT MURRAY** – No, I’ve been really pleased in working with the Staff in
21 coming up with a solution in just matching the building that was there and trying
22 to meet all the requirements to make into a nice addition to the community.

23
24 **CHAIR DE JONG** – Okay, thank you. Are there any Commissioner questions of
25 the Applicant? Okay prior to the meeting I called Julia and I gave her a
26 suggestion of mine for something on the interior. Planning Commission doesn’t
27 normally comment on the interior so I won’t talk about it today, but if she hasn’t
28 told you already meet with her. I’m going to go ahead and close Public
29 Testimony then; thank you and open Commissioner Debate.

30
31 **COMMISSIONER GELLER** – Yes I remember when the original restaurant went
32 in. That whole controversy of having a different design but it complied with the
33 Code and I think it was before my time when they passed the Theme Restaurant
34 Ordinance. We revoked it a while ago. While the building doesn’t really match
35 the rest of the shopping center, certainly if they are going to build a new building
36 it should match its counterpart. I see nothing wrong with the project. The
37 location is fine. Traffic flow and everything is fine. That center has been vastly
38 under-utilized for the most part anyway, so I don’t see any reason not to approve
39 it and move it forward.

40
41 **CHAIR DE JONG** – Good, thank you. Well I’d like to say that I think this is a
42 great addition not only to the shopping center but to the Church as well. I think
43 the Architect did a wonderful job in matching the new building to the existing
44 previous one and I think it is a great addition. I think is perfect and perfect
45 placement and I see nothing wrong at all with it, so it looks like we’re very quick
46 and short on this one. Who wants to make a motion?

1 **COMMISSIONER MARZOEKI** – I'll do it. I'd like to make a motion that the
2 Planning Commission **APPROVE** Resolution No. 2010-25 and thereby:

- 3 1. **RECOGNIZE** that P10-020 Conditional Use Permit qualifies as an
4 exemption in accordance with CEQA Guidelines, Section 15332 Infill
5 Development Projects; and,
- 6 2. **APPROVE** P10-020 Conditional Use Permit subject to the attached
7 conditions of approval included as Exhibit A.

8
9 **COMMISSIONER GELLER** – Second

10
11 **CHAIR DE JONG** – Thank you. Is there any discussion? All those in favor?

12
13 Opposed – 0

14
15 **Motion carries 6 – 0**

16
17 **CHAIR DE JONG** – Thank you and good luck. Staff wrap up please

18
19 **PLANNING OFFICIAL TERELL** – Yes this action shall become final unless
20 appealed to the City Council within 15 days.

21
22 **CHAIR DE JONG** – Perfect. Thank you. Okay our next item is Item 720

23
24
25 **720**

26
27 **PA09-0027** **Conditional Use Permit**

28
29 **CHAIR DE JONG** – Staff report please

30
31 **ASSOCIATE PLANNER DESCOTEAUX** – Good evening, this is Julia
32 Descoteaux, Associate Planner. The item before you; a Conditional Use Permit
33 application proposes the sale of beer and wine at existing Big #6 Food Mart
34 Convenience Store between the hours of 8:00 a.m. and 8:30 p.m. The site is
35 located on the northwest corner of Cottonwood Avenue and Edgemont Street.
36 The primary land use for this parcel is Neighborhood Commercial. The
37 Neighborhood Commercial District is to provide for the convenient location of
38 neighborhood centers which provide limited retail and commercial services. The
39 existing convenience store complies with the land use within the Neighborhood
40 Commercial District.

41
42 The proposed project consists of adding the discretionary approval... The
43 Conditional Use Permit for a discretionary use when a business is applying for
44 the approval to sell beer and wine within 300 feet of residential. Based on the
45 information from the Department of Alcohol and Beverage Control there is

1 currently an over-saturation of alcohol sales within the census tract where this
2 location is.

3
4 The Moreno Valley Police Department believes and feels that a liquor store in
5 this area would add to a high rate of criminal activity. The project site is
6 surrounded by Business Park zoning to the north, south and west and residential
7 zoned property to the east. The adjacent parcel is actually zoned Business Park
8 but currently developed with a multi-family structure.

9
10 To date I have received two phone calls regarding this project. One was an
11 information only question with no opinion either way and the second one I have
12 provided you a copy of it. It was an email that I received regarding opposing the
13 project.

14
15 Staff is recommending denial of the Conditional Use Permit based on the above
16 information and the Police Department was unable to attend tonight due to other
17 commitments. This concludes Staff's presentation and at this time we can
18 answer any questions for you.

19
20 **CHAIR DE JONG** – Thank you. I think... is there somebody from the Police
21 Department. Okay, so there is now. Thank you. Commissioner questions of
22 Staff? We have none, thank you. At time I'm going open up Public Testimony
23 and call the Applicant forward.

24
25 **COMMISSIONER GELLER** – Do you want to have the Police Department say
26 whatever they wanted to say first?

27
28 **CHAIR DE JONG** – Alright that's not a bad idea. Thank you. Let me close
29 Public Testimony and is there something that the Police Department wanted to
30 add to this prior to Public Testimony. Come up to the microphone sir so that way
31 we can get it on tape. Thank you. If you would mind please stating your name
32 for the record.

33
34 **OFFICER HUDSON** – It is Officer Hudson. I'm with the Moreno Valley Police
35 Department and currently working with ABC Alcohol, Beverage and Control for
36 the Department. At this time I was the one that actually wrote the Convenience
37 and Necessity Letter and within that letter basically we showed our opinion of the
38 area of some of the criminal activity that has been occurring there in the last
39 several years. Also we have received letters from some of the residents that live
40 in the area opposing this project, so there are numerous things that we looked at
41 as far as this project before we made our opinion or our decision on it. I don't
42 know if you have the actual letter with you...

43
44 **CHAIR DE JONG** – No
45

1 **OFFICER HUDSON** – If you need a copy of that that is fine. I can also give you
2 a copy of the letter that I sent to ABC with our opinion on that.

3
4 **CHAIR DE JONG** - Can you summarize...

5
6 **OFFICER HUDSON** – Basically within this letter that we wrote, we believe a lot
7 of it has to do with the criminal activity within this area between Cottonwood and
8 Edgemont. With that criminal activity is also saturation of facilities selling alcohol
9 within this area. According to ABC they actually allowed and I'm not seeing it on
10 this letter, but I believe it was six in the area and now this one will be eight,
11 saturating this area.

12
13 **CHAIR DE JONG** – That's what our Staff Report confirms

14
15 **OFFICER HUDSON** – So that's our opinion on that sir.

16
17 **CHAIR DE JONG** – Okay, alright. Are there any questions of the Officer?

18
19 **COMMISSIONER SALAS** – How close is nearest store that sells alcohol. How
20 close is the nearest availability to buy alcohol from this location? Do you know?

21
22 **OFFICER HUDSON** – The closest location is going to be on Alessandro, which is
23 just south of this location.

24
25 **COMMISSIONER SALAS** – And this is on Cottonwood, correct?

26
27 **OFFICER HUDSON** – This is on Cottonwood and Edgemont; yes sir.

28
29 **CHAIR DE JONG** – How big is the census area that you look at?

30
31 **OFFICER HUDSON** – As far as?

32
33 **CHAIR DE JONG** – It mentions the census tract. I think there are six businesses
34 you said within tract and currently there is eight right now, so how big is that
35 census tract?

36
37 **OFFICER HUDSON** – Actually ABC determines what that census tract is going
38 to be. I don't really understand if they do it by mileage or if they break it up into
39 areas within the city, but that is who actually does the censorship tract is ABC.

40
41 **CHAIR DE JONG** – Alright but in summary the Police Department just feels that
42 selling alcohol would be a detriment to the area? Is that your opinion?

43
44 **OFFICER HUDSON** – Correct

45
46 **CHAIR DE JONG** – Okay thank you.

1 **PLANNING OFFICIAL TERELL** – Just about the geography, I know the dividing
2 line is at Ellsworth; so it's roughly Ellsworth, Eucalyptus, Old 215 and Alessandro
3 are the boundaries of the census tract
4

5 **CHAIR DE JONG** – Okay, that helps. Yes that helps. It's not really large.
6

7 **COMMISSIONER SALAS** – So there are seven now and this would be eight. Is
8 that what we're saying?
9

10 **PLANNING OFFICIAL TERELL** – There are eight now and that is six over the
11 normal; the base limit.
12

13 **COMMISSIONER MARZOEKI** – That would make it nine
14

15 **CHAIR DE JONG** – They allowed six and there are currently eight.
16

17 **PLANNING OFFICIAL TERELL** – There allowed two and there are eight.
18

19 **CHAIR DE JONG** – There is currently six and this would nine
20

21 **ASSOCIATE PLANNER DESCOTEAUX** – They allowed two...
22

23 **COMMISSIONER SALAS** – No matter what it is over what we recommend right?
24

25 **OFFICER HUDSON** – Yes sir
26

27 **CHAIR DE JONG** – Okay, are there any other questions? Thank you sir.
28

29 **OFFICER HUDSON** – Thank you
30

31 **CHAIR DE JONG** – Okay at time I'm going to go ahead and open Public
32 Testimony and call the Applicant forward. Please state your name and address
33 for the record.
34

35 **APPLICANT** – Good evening Commissioners. My name is Justin Kim. I'm from
36 Los Angeles. I'm the representative for the Applicant. I'm delighted to be before
37 you today. I never knew Moreno Valley was almost three hours from LA. I killed
38 my Bluetooth headset on the way here. It's dead now because of all my talking
39 on the phone, so I appreciate the time before you today.
40

41 Our Applicant, Mr. and Mrs. Choi have been at this location since 2004. I would
42 like to note that they made a significant commitment to the community of Moreno
43 Valley because they purchased the property. They are not leasing or not just
44 renting. They purchased the property with the intent of finishing out their
45 business career in the City of Moreno Valley. They applied for an ABC license
46 back I believe in 2005 and at that time I'm not really sure what happened but I

1 think they were a little discouraged by the process so they withdrew their
2 application. I think at that time there was discussion of maybe over concentration
3 of licenses in this area but I would like to note for the Commissioners that since
4 that time in 2005 when they applied, the City of Moreno Valley granted six
5 licenses in this census tract. It was two at that time, so I don't really think it
6 would have been as big an issue back then with the numbers as it is now, but it is
7 a routine procedure that although the Department of Alcoholic Beverages Control
8 allows for a set number of licenses, it is not abnormal to go over that number as
9 long as you can prove public convenience and necessity for such a use.

10
11 One thing I would like to note, I'm not a resident of Moreno Valley so I'm not
12 really sure, but I did notice that out of the six that were approved since 2005 or
13 actually even out of the eight, I think only two uses are only mom and pop. Just
14 judging from the piece of paper in front of me I mean most of the uses are Sam's
15 Club, Target; the bigger name corporations and although it is a little daunting to
16 compare ourselves to an organization like a Sam's Club or Costco or something
17 like that, I'd like to add that for someone like my client; having done this work for
18 as long as I have, I think it is almost better to have a person like this in your
19 community and the reason that I say that it is better is kind of an abstract word,
20 but this is their livelihood; this is their life savings; this is what they have invested;
21 everything into one nest-egg and someone like this would be a very responsible
22 business owner in your community because they don't have the luxury of failing
23 at this and going onto something else.

24
25 I would much more trust people like this to represent alcoholic beverage sales
26 than a larger company where I have 100 minimum wage workers checking in and
27 out or talking on their cell phones or thinking about what they are going to do after
28 their shift and not really paying attention, because I think the most important thing
29 that ABC looks at is sales to minors is a huge, huge thing for ABC. That's like
30 the nexus of all the problems that they are trying to keep people off the roads
31 after they have been drinking, especially young people. They are just trying to
32 get them to stay away from drinking period and I'd like to add that my client has
33 had three different businesses with alcohol and beverage licenses in the last 15
34 years and I think she has 15 years experience. I have printouts from ABC. She
35 has never once had a violation; she or her husband have never once had a
36 violation and to be a property owner with a proven track record with ABC, I'm just
37 hoping the Commissioners will give this a little bit of thought and you know and
38 maybe consideration that even though the numbers seem daunting, if you are
39 ever going to take a chance on someone, my clients would be a good bet for the
40 City of Moreno Valley to give a little consideration to them. I have printouts here
41 for the Commissioners if you would like to review them later on.

42
43 They have the experience here. I have 193 signatures on a petition here from
44 residents within a couple blocks of the store asking for this. At certain times I
45 think it has been referred to as a convenience store and liquor store by the Police
46 Department, but I've been in a lot of liquor stores don't carry things that these

1 people carry. I mean except for a full service counter, I mean they carry fruits
2 and vegetables. It is not something... soda, chips and hopefully alcohol type of
3 premise. I mean they carry the basic needs that even a single mom or an elderly
4 person or a child who wants to have something to eat or cook something could
5 go and get basic ingredients for having a meal at home. This is not something
6 that is just a stop in and get a soda or a candy bar type of store and I was
7 surprised that the amounts of items that they carry there. I had only been there
8 that one time when I first went there and was like wow this is full. This store is
9 full of different items, so I would like for the Commissioners to take this into
10 consideration that they've made a serious commitment to the City; they have
11 tried before and they didn't understand the process back then, so they were
12 easily discouraged but they made a commitment to the community. They made
13 a commitment you know with our company to have us represent them and I really
14 think that with what I have told you tonight, I think they merit at least a chance at
15 getting this. They are very serious about getting this and being responsible and I
16 think that their track record proves it, so I thank you for your time and if you have
17 any questions I'd be more than happy to answer them.

18
19 **CHAIR DE JONG** – Thank you. Are there any Commissioner questions of the
20 Applicant?

21
22 **COMMISSIONER DOZIER** – Is the store profitable without beer and wine? Are
23 they doing well as a business where they are?

24
25 **APPLICANT** – I think in this economy I really don't think anyone is doing well per
26 say but they are doing okay, but I think the main reason that they want to do it is
27 not for a profit standpoint. I don't want anyone to perceive that they are being
28 greedy about this, but over the years they have been asked by people why can't
29 you do this. I come here to get things that I need without having to drive; without
30 having to sit in traffic; without having to park. I can just come in and get what I
31 need. Why can't I get this? I mean that is their main push for this was when they
32 purchased this market they thought that maybe we could add this as an added
33 convenience to our patrons, but you know they hit the wall once and now they
34 are trying again, but it is mostly from people in the community that are asking.
35 I'm sure that there are people in the community that are not for this, but I have
36 people in the community that were not paid or not coerced but just asked we
37 want to do this; what do you think and 193 people came forward and signed and
38 said we want this; we approve this and they are people that live there. They are
39 not people that are transient like going to work. In that neighborhood if you have
40 been out that way, it is a residential neighborhood per say. It's not really a high
41 thoroughfare type of road I don't believe, but I think the people are speaking and
42 I hope that we can get some consideration for this because it is not from a greed
43 standpoint but a public convenience or a necessity and people are clamoring for
44 it.

45
46 **CHAIR DE JONG** – Okay

1 **COMMISSIONER GELLER** – I have a question and I'd like to see that.
2
3 **APPLICANT** – Oh yes sir
4
5 **COMMISSIONER GELLER** – The conditions say that they would be able to sell
6 from 8:00 a.m. to 8:30 p.m. I assume they are open more hours than that.
7
8 **APPLICANT** – No sir. Thank you very much Commissioner Geller. That is the
9 only hours they want to be open, so they are not trying to do late night sales
10 either.
11
12 **COMMISSIONER GELLER** – Is the store open beyond those hours?
13
14 **APPLICANT** – No
15
16 **COMMISSIONER GELLER** – Are they open at 8:00 a.m. and close at....
17
18 **APPLICANT** – Let me check for you.
19
20 **COMMISSIONER GELLER** – Okay
21
22 **APPLICANT** – They close at 8:00 right now. They are just asking for 30
23 minutes.
24
25 **COMMISSIONER GELLER** – So they want to sell alcohol when they are open?
26
27 **APPLICANT** – Yes sir
28
29 **COMMISSIONER GELLER** – Okay they're not open beyond... they won't be
30 open beyond 8:30?
31
32 **APPLICANT** – Yes sir, they are not going to try and do operating hours versus
33 sales hours. It is just set hours.
34
35 **COMMISSIONER GELLER** – Okay
36
37 **COMMISSIONER SALAS** – They stated that seven or eight licenses are already
38 in the area and that some of them are to the major stores like Sam's Club or
39 Costco or whatever. Do you know how many of those there are to the major
40 chains of the licenses in the area?
41
42 **APPLICANT** – Actually sir if you indulge me... Sam's Club, Target, Cost Plus;
43 there is one with no DBA so I'm not sure what this is. It is more of an investment
44 group incorporated; Smart and Final, Riverside Petroleum which I believe is
45 probably a gas station; La Buena Market and Walmart.
46

1 **COMMISSIONER SALAS** – So basically we’re talking about major chains here
2
3 **APPLICANT** – Exactly
4
5 **COMMISSIONER GELLER** – Smart and Final is gone
6
7 **APPLICANT** – I’m sorry, I wasn’t aware
8
9 **PLANNING OFFICIAL TERELL** – It sounds like all of those licenses are in the
10 City of Riverside.
11
12 **COMMISSIONER SALAS** – Yes exactly
13
14 **APPLICANT** – Oh I’m sorry, they all fall within the census tract
15
16 **PLANNING OFFICIAL TERELL** – Which is just north of the area identified, so
17 that census tract apparently extends out of the City.
18
19 **COMMISSIONER SALAS** – So basically they fall in that ABC designated for six
20 or less but they are major stores. Okay, thank you
21
22 **APPLICANT** – Thank you sir
23
24 **CHAIR DE JONG** – Okay are there any other Commissioner questions of the
25 Applicant?
26
27 **COMMISSIONER BAKER** – Yes I think I know where we’re at on this. This is
28 beer, wine and hard alcohol right?
29
30 **APPLICANT** – Beer and wine
31
32 **COMMISSIONER BAKER** – Beer and wine only... Okay no hard liquor. Okay
33 very good, thanks
34
35 **APPLICANT** – No sir
36
37 **CHAIR DE JONG** – Are there any other questions? Okay thank you
38
39 **APPLICANT** – Thank you. I’m sorry; would you like to have a copy of their
40 previous history with ABC?
41
42 **CHAIR DE JONG** – Okay I have one speaker. Matthew Fields please come up.
43 There is a three minute time limit. Thank you.
44
45 **SPEAKER FIELDS** – My name is Matthew Fields Jr. I live at 13455 Edgemont
46 Street, Moreno Valley. I have lived in my house for 15 years now and this

1 convenience store is close to Big 6 Market Liquor. Years ago it was a long
2 distance to pick up liquor or something like that at other stores. I didn't have one
3 close by. It is a pretty clean store. The people there are pretty nice in the
4 neighborhood. A few there enjoy them. There are some pretty nice people
5 there. So I would have no problem. I live probably two houses down from the
6 market. I wouldn't have any problem with that.

7
8 **CHAIR DE JONG** – Alright thank you. Okay ma'am if you want to speak, it is
9 your turn and if you could please state your name and address for the record and
10 then please fill out a Speaker Slip for us afterward.

11
12 **SPEAKER KENDALL** – I'm Irene Kendall and I live at 21849 Cottonwood
13 Avenue and I've been here in Moreno Valley since 1945. I've lived at my
14 address since 1948. I'm just about half a block from the little store. We have a
15 Church; we have Churches all around there. We have Churches meeting at
16 21640 Cottonwood Avenue at the Edgemont Women's Club. We have Liberty
17 Baptist Church at... I've forgotten it right now.

18
19 **CHAIR DE JONG** – That's okay

20
21 **SPEAKER KENDALL** – But it is in the middle of the block of Edgemont;
22 between Edgemont and the railroad and Bay is the name, but I would not like to
23 see a license issued. We have a school at the end of... at Eucalyptus and we
24 have children... that particular area is very populated with school children and
25 teenagers too I might add. I just... well it's not a very... well let's see, there are a
26 lot of things going on there in the community already and I really feel that this
27 would not enhance the area at all. I know our Church is not happy with it if a
28 license was issued and the other Churches that are meeting at the Edgemont
29 Women's Club; there are two Churches that meet there, so that's what I have to
30 say. All around me it is a very depraved area and I cannot think that issuing a
31 license would help to improve our community, so that's what I have to say.
32 Thank you.

33
34 **CHAIR DE JONG** – Thank you very much. Is there anybody else that would like
35 to speak at this time? Yes, come forward sir and if you haven't filled out a
36 Speaker Slip yet, please do so after you speak. Tell us your name and address
37 and there is a three minute time limit.

38
39 **SPEAKER** – My name is Danny Chang. I live at 13162 Day Street, Apt. G205. I
40 just want to talk to you. If the license is approved tonight I just want to tell you
41 about the market. They are very giving away people. I know him a few months
42 ago. He is giving away to the friends; always something; always something like
43 coke and giving away. He is giving always with his business... the neighborhood
44 a barbecue and hot dogs and I'm very happy he opened the market over there. It
45 is a very dark area but he is a very bright light. I just want you to approve that
46 and make that neighbor happy. That is why I am here. Thank you very much.

1 **CHAIR DE JONG** – Thank you. Is there anyone else who wants to speak in the
2 audience? I can't see anyone coming forward so at this time I am going to close
3 Public Testimony and open Commissioner Debate.

4
5 **COMMISSIONER GELLER** – I have one more question. If somebody were to
6 buy this facility, wouldn't they have to get a new Conditional Use Permit?

7
8 **PLANNING OFFICIAL TERELL** – No

9
10 **COMMISSIONER GELLER** – Can we add a condition that if there is a change of
11 ownership they have to re-apply?

12
13 **PLANNING OFFICIAL TERELL** – That's a good question. I don't know the
14 answer to that. Typically all land use approvals go with the land; they don't go
15 with the operator.

16
17 **COMMISSIONER GELLER** – I know they can't keep the license, they have to
18 apply for a new license, but I don't know if that would require them to re-seek a
19 new Conditional Use Permit.

20
21 **PLANNING OFFICIAL TERELL** – Under our current code, no it would not.

22
23 **COMMISSIONER GELLER** – Okay but are you aware that we couldn't add a
24 condition to...

25
26 **PLANNING OFFICIAL TERELL** – I'm not aware. I haven't looked into that. I
27 don't know if Suzanne has any thoughts on that.

28
29 **DEPUTY CITY ATTORNEY BRYANT** – You can probably add a condition. I
30 want to point out that the license is not before you. It is the Conditional Use
31 Permit.

32
33 **CHAIR DE JONG** – Okay we are in debate right now, would you like to continue?

34
35 **COMMISSIONER GELLER** – Sure... I have to say that Mr. Kim gave a pretty
36 compelling presentation because I'll tell you when I read it the first thing that I
37 said is why are we approving more... why are we considering... well if you
38 consider reviewing an application, but I'm saying we don't need any more liquor
39 sales in this area and I really have a lot of doubts. But first of all, looking at
40 everything, both the petitions and the type of stories and those sorts of things
41 was one issue but the other real compelling this is looking at the list of licenses
42 except for one, they are all in the City of Riverside and all Fortune One Hundred
43 companies and I don't think that has any application whatsoever to our decision
44 here, because I know I never approved any of those and I've been here a long
45 time.

1 We've turned down several Conditional Use Permits for alcohol sales in places
2 not too far from here, but far enough; I don't think in the same census tract, but it
3 was a real surprise out of all these licenses there is only one that is even
4 remotely similar, so if we were to add this one, as far as I'm concerned that is
5 only two licenses, because all the rest of the stores are all on Day Street and that
6 has no application whatsoever here. It's a completely different market and I don't
7 think they're even remotely comparable. Like I say, some areas are worse than
8 others and I mean I know there is a perception that every time there is alcohol
9 sales, you know the whole City collapses and some places are irresponsible and
10 some places aren't.

11
12 The fact that these applicants have a clean history with ABC is also compelling
13 and the fact that they own the land I don't think is a trivial issue to ignore because
14 it shows they've made a clear investment and obviously they expect to make
15 some profit for it true; I mean I have no doubt and while I don't know that any
16 community absolutely has to have alcohol sales, I'm not inherently opposed to it.
17 I drink my share of wine and other things. Based on everything that we've seen,
18 I would go ahead and agree to passing it, but I want a condition added that they
19 must renew the license if there is a sale of the property or that the license
20 transfers. If there is any application for a license transfer then this Conditional
21 Use Permit will terminate and they would have to apply for a new one. Like I say
22 much of my decision is conditioned on what I have heard and believe about
23 these owners and I'm not going to make the same assumption on any future
24 owners. Like I say I would propose if we do approve it that we add a condition
25 that upon the transfer of this license then the Conditional Use Permit will expire
26 or terminate and that I think would solve the problem because they can't get a
27 new owner without applying for a new license.

28
29 **DEPUTY CITY ATTORNEY BRYANT** – If I may add something
30 Commissioners... There are no conditions attached to this tonight because it is
31 recommending a denial, so if you wanted to add conditions maybe we could
32 bring it back at a future date and have the proposed conditions attached. It
33 would give us more time to draft them.

34
35 **COMMISSIONER GELLER** – Okay, I forgot about that. You are absolutely right.
36 You know like I say, the nearest one is Alessandro and it is not all that close;
37 certainly not in walking distance and the rest of them like I say as far as I'm
38 concerned they don't even apply even though ABC can do whatever they want
39 but they are nowhere near and are a completely different kind of market. They
40 serve a different market and they really have no bearing... as far as I'm
41 concerned they have no bearing whatsoever on this particular type of operation
42 and you know like I say I'm always reluctant to approve these in certain areas,
43 but like I say I think ABC's assessment is simply incorrect. I would like to call up
44 the Police Department one more time. I'd just like to ask them if they have
45 something specific about this particular facility as to why they think we should

1 deny it because I would give great deference to their opinion, but if it is solely
2 because of the numbers, you know we can make our own assessment from that.

3
4 **CHAIR DE JONG** – Let’s do that right now. I guess I have to reopen Public
5 Testimony... nevermind, scratch that

6
7 **OFFICER HUDSON** – Yes sir

8
9 **COMMISSIONER GELLER** – Yes do you have any...? If the six other stores
10 were not an issue, do have any specific reason for these applicants or this
11 particular location; if saturation wasn’t an issue, does the Police Department
12 have any particular information or opinion about this specific store or these
13 owners or anything else other than just a saturation.

14
15 **OFFICER HUDSON** – Well the size of saturation. I was able to go on our
16 website for the Riverside Sheriff’s Department and from June 2009 to I believe
17 June 2010 I’ve got more than 50 pages of calls for service within that area where
18 that store is at, ranging from anything to attempted murders to DUI drivers, to
19 drunk in public; whatever that is right here; more than 50 pages of calls for
20 service in that area.

21
22 **COMMISSIONER GELLER** – What area are you talking about or the parameters
23 that you used for that report?

24
25 **OFFICER HUDSON** – You are very familiar with the Edgemont area?

26
27 **COMMISSIONER GELLER** – Yes

28
29 **OFFICER HUDSON** – These calls for service are within probably within the next
30 four or five blocks of just criminal activity alone, just around that particular store,
31 not to mention the rest of Edgemont, where these people would actually be using
32 this store for their alcoholic beverages, so other than just criminal activity part of
33 it, is there anything else you would like to know regarding that census tract.

34
35 **COMMISSIONER GELLER** – Have you at that particular address, has there
36 been a lot of problems.

37
38 **OFFICER HUDSON** – There have been several over the last year or so. Like I
39 said there is a couple in here that are drunk in public, DUI drivers in the area, not
40 necessarily from that location but they are within that area, which people
41 obviously have alcohol beverage problems within that area. This will just add to
42 another.

43
44 **COMMISSIONER GELLER** – Okay, thank you.

45

1 **COMMISSIONER SALAS** – So what you are saying basically is that they are
2 going out of their way to purchase the alcohol now a little further away from
3 where they are now and it would make it more convenient for them to get it local
4 more local so the crime rate would go up? Is that what you are stating?
5

6 **OFFICER HUDSON** – Yes sir and coming from my own personal... I've been
7 here in this City for six years as an Officer working the streets. I know this area
8 very well. I know Edgemont very well. I have worked Special Enforcement
9 Teams where we work with a lot of undercover type of projects in this area. I
10 know what type of criminal activity is coming out of this area. As of right now the
11 people are not going to this location to get alcoholic beverages. They are going
12 to Alessandro where there are several liquor stores within that area.
13

14 **COMMISSIONER SALAS** – But they are going to keep selling alcohol in that
15 area; is that correct?
16

17 **OFFICER HUDSON** – In the Alessandro area?
18

19 **COMMISSIONER SALAS** – Yes
20

21 **OFFICER HUDSON** – Correct
22

23 **COMMISSIONER SALAS** – I've lived here also since 1970. Edgemont has
24 never been a desirable area especially the area that you are talking about; the
25 Edgemont Street area so...
26

27 **OFFICER HUDSON** – This is coming from my own personal experiences with
28 this area. Like I said this is only a year or a year and half worth of data with
29 criminal activity. If we were to go back even further we'd have quite a stack of
30 paper here.
31

32 **COMMISSIONER SALAS** – Thank you
33

34 **CHAIR DE JONG** – I'm going to open Public Testimony and call the Speaker to
35 the podium. Please state your name and address for the record.
36

37 **SPEAKER** – My name is Yvonne Coles. I live at 13561 Edgemont. I'm right
38 across the street from them. I like the little store. Since he's been there, there
39 has not been any problem on our neighborhood. I know there are people that
40 are doing things in the neighborhood, but not on our street or right at Jericho's.
41 He doesn't let people gather around that store and I like him because he looks
42 out for our people and the kids there, him and his wife both and we have not had
43 no problems. I don't understand why the Officer said that but I know on that
44 street there has been no problem. There have been car accidents where people
45 have been driving too fast up and down Cottonwood because I've called the
46 Police myself to report those accidents and he does too. As far as shooting or

1 attempts or whatever around there; there is no shooting on our street. It's been
2 real nice and comfortable there and those people look out. He doesn't let
3 anybody hang around on that store if they look like they are going to cause
4 trouble. He will call you guys. I mean the Police Department yourself and I know
5 I'm out there all the time on my handicap scooter and I never have for the last 12
6 years and I have not had a problem. No one has a problem. Our neighborhood
7 is very quiet and very nice and it is going to make easier for a lot of us that do go
8 to the store and need this and is there for us. That is why I appreciate it being
9 there. As far as the drinking and stuff I don't drink no more, but I would
10 appreciate it if it was there that I could go home in my own house because it
11 would be too far for me to go, but I don't see a problem because he is a very
12 good responsible person. I know he would not let anybody be loitering around.
13 So that's all I have to say. Thank you

14
15 **CHAIR DE JONG** – Thank you very much. While the Public Testimony is open,
16 is there anyone else who would like to speak. Okay, I'm going to close Public
17 Testimony again and reopen Commissioner Debate. Were you finished
18 Commissioner Geller?

19
20 **COMMISSIONER GELLER** – Yes, I want to hear what everyone else has to say
21 then I might say something else.

22
23 **CHAIR DE JONG** – Okay

24
25 **COMMISSIONER SALAS** – I agree with... I just think that if the neighborhood
26 market and the idea of the neighborhood market is to serve the neighborhood
27 and the hours that they are open; from 8 to 8, I don't see that as real trouble in
28 that timeframe and also I agree with the community. I agree with the neighbors.
29 If you want to go across the street and go get a six pack of beer instead of going
30 to Costco or Cost Plus, because you know the hassle when you go there, I don't
31 see anything wrong with it. I think that it serves the neighborhood and that's the
32 idea of a neighborhood market.

33
34 **CHAIR DE JONG** – Thank you.

35
36 **COMMISSIONER DOZIER** – As much as I would like to reward the owners of the
37 store for being good citizens and for being sensitive to the needs of the
38 community and providing for the community, I have a problem at all times helping
39 people get access to any drug that has ruined so many of our lives. All I have to
40 do to stay consistent with that philosophy is to support the Police decision and
41 support our Planning Department's decision to deny it. I think it is too bad that
42 this particular community who needs convenience for many things and that the
43 application is for a permit that will allow them to sell beer and wine, I feel badly
44 about that because I'm going to take the position that I want to support the
45 recommendation to deny it. I just philosophically don't feel good about making it
46 easier for a community that has already demonstrated that there are problems in

1 the general community; many alcohol related problems that the Police have
2 documented for many, many years and I don't want to contribute to that. I don't
3 want to make it more convenient for those folks who have had those problems
4 and have made that problem for that community to make it easier for them to get
5 any more of it or let them travel the longer distance. If they want the beer and
6 wine, let them go the further distance. That's my personal opinion and I'm going
7 to support the recommendations of our City Planners and our Police Department.
8

9 **CHAIR DE JONG** – Before I ask for any more comments I have just a question
10 for Staff. I think I read that being a Conditional Use Permit; if there is any issue
11 of non-compliance at all it can be revoked. Is that correct? Did I read that right?
12

13 **PLANNING OFFICIAL TERELL** – There is a process. If there is a concern, what
14 would happen is we'd advise the permittee of that and we would bring forward
15 something to the Planning Commission. We'd basically have another hearing
16 and it would be a revocation hearing at which time the Planning Commission
17 would hear evidence from both sides and then make a determination whether or
18 not to revoke the Conditional Use Permit. So it's a process.
19

20 **CHAIR DE JONG** – How long approximately would that process take?
21

22 **PLANNING OFFICIAL TERELL** – We haven't done too many of them. I would
23 say it is a 60 to 90 day process.
24

25 **COMMISSIONER GELLER** – I don't think I've ever done one and I've been here
26 14 years or something.
27

28 **PLANNING OFFICIAL TERELL** – Yes I know. I think we had one and I think it
29 was related to a night club was the last time we had one, so it's pretty rare.
30

31 **CHAIR DE JONG** – Who would investigate that process; the Police Department
32 for example?
33

34 **PLANNING OFFICIAL TERELL** – It could be the Police Department. It could be
35 a complaint from the neighborhood that we would investigate. It could be you
36 know... but it is usually internal. The other potential... the other thing that is
37 obviously at risk is the alcohol license itself and I suspect that it's generally a
38 more effective way. Say they lose their liquor license for bad behavior; then that
39 would be a pretty simple reason to revoke the Conditional Use Permit. That
40 would be evidence that would be presented. Obviously they couldn't operate
41 under the Conditional Use Permit if they have no liquor license, but...
42

43 **COMMISSIONER MARZOEKI** – How would they lose their liquor license? How
44 would they typically lose that?
45

46 **PLANNING OFFICIAL TERELL** – I'm going to ask the Detective.

1 **COMMISSIONER GELLER** – I can answer that. A sale to minor’s violation...

2
3 **COMMISSIONER SALAS** – Drinking on premises...

4
5 **COMMISSIONER MARZOEKI** – All those things okay

6
7 **PLANNING OFFICIAL TERELL** – I mean they do an investigation. Either they
8 would observe themselves inappropriate behavior on the part of the licensee or
9 they would have a complaint they would investigate; meaning ABC, the Alcohol,
10 and Beverage Control and I know they take it very seriously.

11
12 **CHAIR DE JONG** – So currently there is a license and we’re voting on the
13 Conditional Use Permit.

14
15 **PLANNING OFFICIAL TERELL** – No there is no license. They have applied for
16 a license. The Police Department has recommended against granting that
17 license which the City has to override; has to find that public convenience so if
18 the Planning Commission was interested in granting this property owner or
19 business owner that then we would bring it back and you would have to make a
20 finding of public convenience which means the needs of the surrounding
21 community overrode that limitation on the number of licenses in some proximity.

22
23 **CHAIR DE JONG** – Okay

24
25 **DEPUTY CITY ATTORNEY BRYANT** – And if I may add to that... In order to
26 grant a Conditional Use Permit you know that you have to make the findings that
27 it will not be detrimental to the public health, safety or welfare or be materially
28 injurious to properties or improvements in the vicinity.

29
30 **CHAIR DE JONG** – Okay thank you.

31
32 **COMMISSIONER BAKER** – You know looking at these and I assume most of
33 these signatures are valid on this petition that the landowners have put together.
34 I mean there is a bunch and I don’t know if it makes any difference on these
35 applications where you know that I’ve been in the restaurant business and you
36 know where we’ve had hard liquor or had full bar you have a lot more problems
37 than a beer and wine deal and my feeling here with the track record that these
38 owners have, which I’m not going against the Planning Commission or the Police
39 or anything, but from what hearing here and from what they’ve been doing
40 running the operation and everything with the food, I don’t know why they would
41 subject themselves to mess up the rest of their business for selling beer and
42 wine. So from what I’m hearing it sounds like they are responsible. They want to
43 come to bat and do this. I don’t think it is on a profit deal. I think it is more of a
44 convenience to the community and I think from what I understand they can
45 always limit who they sell that too. I think the minors; what is it; you have to be
46 over 25 to buy liquor now...

1 **COMMISSIONER GELLER** – 21 still

2
3 **COMMISSIONER BAKER** – So you've got that... Well you know there is nothing
4 saying they have to sell the liquor to the person I mean I wouldn't think. So my
5 deal is and I know the area has got its problems, but we've got other areas of the
6 City that have their problems. It just doesn't seem fair to me that they should be
7 denied a Conditional Use Permit on the situation especially when six out of those
8 8 are national chains that really don't sell per say over the counter type. I mean
9 they are selling case goods and things like that and the other thing here is this is
10 not a liquor store. If this was going in here as JR's Liquor Store here then I'd say
11 no, but where it is part of a reputable market where they have their money
12 invested in it, I say we take a hard look at moving forward with it. This is just my
13 opinion.

14
15 **COMMISSIONER MARZOEKI** – Well this is a hard one. I came in here and I
16 had read the Staff Report and everything and it was like... well I never make my
17 decision until I'm actually sitting here because so many things always change,
18 but I was already just to say okay well we've got too much saturation in the area
19 here and we can't possibly go farther than that, but then finding out that you
20 know most of those businesses are in Riverside, that puts a different light on it.
21 This is a neighborhood market. It is serving the community. It is only open from
22 8 to 8:30, so there is limited hours. Can something happen; yes something can?
23 You can drink any time of day, it doesn't really matter, but on the other hand,
24 here I am a Planning Commissioner and I'm supposed to look out for the
25 community as well and what is not to say that people can't go that extra distance
26 and actually get the alcohol elsewhere, so I struggle with that female side of me
27 along with the Planning Commissioner side of me. This is a really, really difficult
28 one for me, but I think I side on the side of the applicants. Just the things that
29 I've heard tonight about them; they are very good for the community; they are
30 here to stay; they own the property; they'll probably be here for awhile. That is
31 what my heart is telling me instead of my mind and I normally don't do this. I
32 normally don't vote based on my heart, but my heart is telling me that this is
33 something that we got to go forward with and not deny.

34
35 **CHAIR DE JONG** – Would you like to revisit

36
37 **COMMISSIONER GELLER** – Yes I would. I sat in on a number of these
38 applications over the years and a few of them I was very unhappy that the Police
39 Department in some cases didn't even bother to write a report and in some cases
40 I was pretty surprised that they signed off on it and in some of them I'm sure that
41 no one paid much attention to it. To me the most important thing for these types
42 of... for this particular....for alcohol sales or for any decisions alcohol related, it is
43 what can it do to the community in terms of crime and other issues. I mean that
44 has to rank more importantly than anything else.

1 Whether it is profit, convenience or whatever, if there is any reasonable
2 possibility it is going to increase crime or other issues in that community, there is
3 no way I would vote for it. I mean I think that's a risk that is just not worth taking.
4 I mean if somebody has to go a few more blocks, they have to go a few more
5 blocks. I understand the one issue of convenience is it probably encourages
6 people to drink more because they may not be inclined to go 20 blocks but they
7 might walk across the street. I have to give great deference to the Police
8 Department's opinion and I know this area, I worked it myself for many years
9 working with the Moreno Valley Police Department and it is a serious crime area
10 and antidotal of other evidences whenever there is alcohol people open the
11 bottles and they open the cans when they get out the front door and start drinking
12 before they get home and anyone thinks otherwise particularly if they are
13 walking. They are not going to wait until they get home half the time. I have to
14 follow... I mean I think the crime reports provide a very compelling story and in a
15 very small area and if there is any reasonable possibility this could cause an
16 increase in crime I'm not going to do it. I'm not going to vote for it. I don't think it
17 is fair to the residents that live there.

18
19 I think one woman said her street was perfectly quiet. I don't know; like I say I
20 worked it for many, many years and it's an area with its problems and I don't
21 want to add to them. We do what we can to try to improve the City. Again the
22 customers of Target and all those places... the practical side is there are not
23 nearly as likely to go start drinking in the parking lot than people that walk to a
24 convenience store. I mean you go to any convenience store that sells alcohol
25 and you are going to see people drinking in the parking lot on their way out or
26 whatever. This is one of the toughest in terms of these types of Conditional Use
27 Permits. I don't have a clear; I am torn but I have to... like I say I complained
28 when the Police Department didn't participate in the past in these decisions and
29 at this point they have participated and they have given their opinion and I have
30 to give it great weight, almost more than anything else absent it being completely
31 unreasonable, so based primarily on the crime issue or the potential for crime
32 issue and the surrounding neighborhood, I'm going to vote against it. The only
33 thing that I'd ask that if I'm outvoted and the Commission is desirous of allowing it
34 that we condition it like I said before that when they do the conditions that one of
35 the conditions be that if the license goes up for renewal the CUP will terminate,
36 so we won't at least have to worry about a new owner taking over that hasn't had
37 the same scrutiny as this owner. Anyway I'm sorry. Like I say I have been torn
38 heavily, but I have to give great deference to the Police Department in this matter
39 because like I say I'm not here to approve something to increase crime in the
40 City.

41
42 **CHAIR DE JONG** – Okay my turn. I am torn as well. Actually it is a hard one. I
43 came in thinking it might not be quite as hard as it is. I have a lot of respect for
44 communities and community markets and all that and the way communities
45 interact with each other. I don't see that changing very much with either way this
46 goes. Apparently it is a nice community and that's good and the owners are

1 responsible and that's good. I hope they stay that way. We very rarely get any
2 real communication from the Police Department regarding our projects.
3 Sometimes we do but often we don't and as Commissioner has been said it has
4 been kind of lacking in the past and when we do get a report, it is important and I
5 rate it and these are the people that are out there every day and they see what I
6 don't see and they respond to what I'm not responding to and they are telling us
7 that there is a large crime rate right now in that small concentration of area and I
8 have to believe them. I have to go with that. I have to pay a great deference to
9 their written opinion and their job is to protect the City of Moreno Valley and I
10 hope the applicant and the people in that community understand that they are
11 protecting them as well and I have to go ahead and agree with the City and deny
12 this Conditional Use Permit on that basis, so thank you. It seems like we might
13 have a split.

14

15 **COMMISSIONER GELLER** – I mean let me just make the motion that's
16 recommended and we'll take the vote and see what the vote actually is...

17

18 **CHAIR DE JONG** – An aye vote would be agreeing with the denying.

19

20 **COMMISSIONER GELLER** – Correct, yes. I'm going to make a recommended
21 motion and then assuming somebody seconds it, we'll take a vote and if it fails,
22 then you know we'll have to...

23

24 **CHAIR DE JONG** – Okay, so bear in mind that an aye vote is to deny.

25

26 **COMMISSIONER GELLER** – Okay I'd like to make a motion that we **APPROVE**
27 Resolution No. 2010-26 thereby **DENYING** PA09-0027 Conditional Use Permit,
28 with no action on the environmental issue required.

29

30 **CHAIR DE JONG** – Okay is there a second?

31

32 **COMMISSIONER DOZIER** – Second

33

34 **CHAIR DE JONG** – All those in favor?

35

36 Opposed – 2 (Commissioner Baker, Commissioner Salas)

37

38 **Motion carries 4 – 2**

39

40 **CHAIR DE JONG** – Thank you. Staff wrap up please

41

42 **PLANNING OFFICIAL TERELL** – Yes this action shall be final unless appealed
43 to the City Council within 15 days.

44

45 **CHAIR DE JONG** – Okay, thank you. Thank you very much applicant and
46 community for coming out and thank you for letting us hear your thoughts.

1 **800 OTHER BUSINESS**

2
3 **810 Staff Comments**

4
5 **PLANNING OFFICIAL TERELL** – Your next meeting will be January 13th of 2011
6 and I'm not sure exactly what will be on that Agenda; it's a little bit early, but
7 there are several items that are close enough that we do believe that you have
8 that meeting. There is a modification to the Robertson's Redi-Mix approval that
9 you made some time ago and then there is a product change that is above 25%
10 which we would require Planning Commission Hearing, so those two likely be
11 coming forward to you. There may in fact be others or replacements for that.
12 Other than that it is the end of the year. It is the holiday season and I wanted to
13 wish you all a very happy holiday season. Sorry Bruce wasn't here because he
14 bought me this tie, so I had to wear it and it is a nice tie but...

15
16 **COMMISSIONER SALAS** – It's a matter of opinion...

17
18 **PLANNING OFFICIAL TERELL** – It's a nice tie and that that's my story and I'm
19 sticking with it and you know he did keep in touch and was very interested in
20 coming to see George's recognition, but unfortunately he couldn't make it back in
21 time.

22
23 **CHAIR DE JONG** – Okay, thank you
24
25
26

27 **900 COMMISSIONER COMMENTS**

28
29 **COMMISSIONER GELLER** – Well the election is final, finally so Marcelo Co will
30 be sworn in next Tuesday along with my partner Richard Stewart for I think is his
31 fifth term or something or maybe six. He has been in for 20 years.

32
33 **CHAIR DE JONG** – That's a long time
34

35 **COMMISSIONER GELLER** – Yes, yes, so anyhow congratulations to them and
36 they had two new school board members sworn in for the Moreno Valley Unified
37 on Tuesday, so anyway, Happy Holidays to all. Hanukah just ended and
38 Christmas and New Year's and such are upon us, so Happy Holidays to
39 everybody and we'll see you next year.

40
41 **CHAIR DE JONG** - Excellent, thank you.
42

43 **COMMISSIONER SALAS** – Happy Holidays to all, but Skechers is looking good.
44 It is really getting up there. You've got to give the contractor a lot of credit. He's
45 kicking you know what up there.
46

1 **CHAIR DE JONG** – Excellent. Is there a motion to adjourn?

2

3

4

5 **1000 ADJOURNMENT**

6

7 **COMMISSIONER GELLER** – So moved

8

9 **COMMISSIONER SALAS** - Second

10

11 **CHAIR DE JONG** – Thank you and good night Moreno Valley.

12

13

14

15

16

17

18

19

20

21 _____

22 John C. Terell

Date

23 Planning Official

24 Approved

25

26

27

28

29

30 _____

31 Rick De Jong

Date

Chair

1 CITY OF MORENO VALLEY
2 PLANNING COMMISSION
3 REGULAR MEETING
4 JANUARY 27TH, 2011

5
6
7 **100 CALL TO ORDER**

8
9 Chair De Jong convened the Regular Meeting of the City of Moreno Valley
10 Planning Commission on the above date in the City Council Chambers located at
11 14177 Frederick Street.

12
13
14 **200 ROLL CALL**

15
16 Commissioners Present:

17 Chair De Jong
18 Vice Chair Baker
19 Commissioner Dozier
20 Commissioner Geller
21 Commissioner Marzoecki
22 Commissioner Salas, Jr.

23
24 Staff Present:

25 John Terell, Planning Official
26 Associate Planner Julia Descoteaux
27 Associate Planner Jeff Bradshaw
28 Suzanne Bryant, Deputy City Attorney

29
30
31 **300 PLEDGE OF ALLEGIANCE**

32
33
34 **400 APPROVAL OF AGENDA**

35
36 **CHAIR DE JONG** –Okay the next item is the approval of Agenda. May I have a
37 motion for that?

38
39 **COMMISSIONER GELLER** – Move approval

40
41 **CHAIR DE JONG** – Thank you, is there a second

42 **COMMISSIONER SALAS** – Second

43
44 **CHAIR DE JONG** – Okay I heard a second. Is there any discussion? All those in
45 favor?

1 Opposed – 0

2
3 **Motion carries 6 – 0**

4
5
6 **500 PUBLIC HEARING ITEMS**

7
8 **CHAIR DE JONG** – Item 500 is to advise the public of the procedures to be
9 followed in this meeting and they are on display on the table by the entrance to
10 the room.

11
12
13 **600 PUBLIC COMMENTS**

14
15 **CHAIR DE JONG** – Item 600 is an for comments by any member of the public to
16 comment on any matter which is not listed on the Agenda but which is within the
17 subject matter of the Commission and I have no Speaker Slips. Does anybody
18 wish to speak right now? Okay I see no one coming forward.

19
20 **650 NON-PUBLIC HEARING ITEMS**

21
22 **Approval of Minutes**
23 **November 18th, 2010**

24
25 **CHAIR DE JONG** – Approval of Minutes for November 18th, 2010... somebody
26 who was here.

27
28 **COMMISSIONER GELLER** – Are they out of order now?

29
30 **CHAIR DE JONG** – They are out order... Well I'm not out of order but they are
31 out of order.

32
33 **COMMISSIONER GELLER** – Move approval

34
35 **COMMISSIONER SALAS** – I second

36
37 **CHAIR DE JONG** – Okay that's good. Is there any discussion for that? All those
38 in favor?

39
40 **COMMISSIONER MARZOEKI** – I abstain

41
42 **COMMISSIONER DOZIER** – I abstain

43
44 **CHAIR DE JONG** – Commissioners Marzoeki and Dozier were not here so it is
45 right that they would abstain.

46

1 Opposed – 0
2 Abstention – 2 (Commissioner Marzoecki and Commissioner Dozier)

3
4 **Motion carries 4 – 0 – 2 (with 2 abstentions – Commissioner Marzoecki and**
5 **Commissioner Dozier)**

6
7
8 **700 PUBLIC HEARING ITEMS**

9
10 **710**

11
12 **P10-093 Variance**

13
14 **CHAIR DE JONG** – May I have the Staff Report please?

15
16 **ASSOCIATE PLANNER BRADSHAW** – Thank you. Good evening Chair De
17 Jong and members of the Planning Commission. My name is Jeff Bradshaw. I
18 am an Associate Planner with the Planning Division. The Item before you this
19 evening; Item 1 is a request for a Variance from the Applicant Jose Navarro who
20 is the property owner of a home located here in town at 12013 Marigold Avenue
21 and the request is for approval of a exception or variance for parking
22 requirements for a single-family residence. The Code requires a two car garage
23 for all homes. In this case, the City is in the process of widening Ironwood
24 Avenue and the result of that is the need from City to acquire a strip of land
25 across the front yard of this property which will result in a reduced front yard and
26 thus making the current garage unusable or unsafe and for that purpose the
27 request for the variance.

28
29 The proposal is to construct a new single-car garage on the side of the home
30 along with a carport and be able to provide two off-street parking spaces, but
31 again still not being able to meet the current requirement. With the right-of-way
32 acquisition the parcel size for the property there actually becomes smaller than
33 our current standard and doesn't allow for enough area to place a two-car garage
34 and that is the reason for the request for the variance. I know you have had a
35 chance to review the Staff Report so I was trying to keep my presentation short,
36 but I'd be glad to provide any additional details if you have any questions but that
37 is the request.

38
39 **CHAIR DE JONG** – Commissioner questions of Staff?

40
41 **COMMISSIONER GELLER** – So I assume that if we didn't approve it the City
42 wouldn't be able to take that land?

43
44 **PLANNING OFFICIAL TERELL** - Well they might still be to take the land but it
45 would prevent the closure of the existing garage.

1 **COMMISSIONER GELLER** – So what are they going to do? Are they going to
2 make it living space?

3
4 **ASSOCIATE PLANNER BRADSHAW** – That’s correct. The garage will be
5 closed at the Ironwood access and converted to habitable space.

6
7 **COMMISSIONER SALAS** – I’d just like to say that I live right around the corner
8 from there and I understand exactly. It would be too dangerous for them to be
9 able to back out onto Ironwood Avenue, so I have no problem with this. It makes
10 total sense to do this.

11
12 **CHAIR DE JONG** – We’re not quite deliberating yet, but thank you.

13
14 **COMMISSIONER SALAS** – Oh okay, I’m sorry. Well it’s the truth.

15
16 **CHAIR DE JONG** – I’ve got a question for you. Does this basically have to do
17 with the busyness of Ironwood right? I mean there are other locations in the City
18 that I can point out that the driveway is less than the length of a car. It is very
19 substandard but they are new developments in Sunnymead Ranch and they are
20 probably maybe eight feet long or maybe even six feet deep but the street is not
21 busy. Does that have something to do with it?

22
23 **ASSOCIATE PLANNER BRADSHAW** – Yes in this case it is an arterial. The
24 concern is the speed and the volume of traffic in front of the house and it is a
25 safety concern.

26
27 **CHAIR DE JONG** – Well I had a question that pertains to the variance. How is
28 the carport going to be accessed? It doesn’t seem like there is enough room for
29 a car to go around it.

30
31 **ASSOCIATE PLANNER BRADSHAW** – The garage is actually designed as a
32 tandem garage so there would be doors at both ends and they would be able to
33 drive through and park in the carport and that is how they would access it.

34
35 **CHAIR DE JONG** – Okay, alright; so the original garage space; obviously the
36 space is going to remain there so you can use it for storage or whatever.

37
38 **ASSOCIATE PLANNER BRADSHAW** – The proposal is to go in and redo the
39 outside of the home so it has the same appearance as the rest of the front of the
40 house; remove the door and convert it to habitable space.

41
42 **CHAIR DE JONG** – Right and the interior space of the garage would remain
43 obviously in the same location so the homeowner can use that for whatever he
44 chooses to use it for.

45
46 **ASSOCIATE PLANNER BRADSHAW** – Yes that is correct

1 **CHAIR DE JONG** – Since this is new, a single car with a drive thru is not going
2 to offer any room for storage at all.

3
4 **ASSOCIATE PLANNER BRADSHAW** – That is true

5
6 **CHAIR DE JONG** – Alright, are there any other questions of Staff?

7
8 **COMMISSIONER MARZOEKI** – Just one minor question. When the house was
9 originally constructed was the driveway constructed in the right-of-way or did that
10 happen after the fact?

11
12 **PLANNING OFFICIAL TERELL** – When it was built; I mean currently the
13 driveway meets standard and when this house was built which I'm guess was
14 about 30 years ago or so, Ironwood wasn't a busy street, but it was built
15 according to Code.

16
17 **COMMISSIONER MARZOEKI** – Okay according to Code... okay that was all.

18
19 **CHAIR DE JONG** – And there are no other houses that are or will be affected by
20 this widening in this matter?

21
22 **PLANNING OFFICIAL TERELL** – No, not in this matter. There is another house
23 I believe further down on Ironwood where they are actually relocating the door on
24 the garage from the front to the side or the front to the rear; I can't remember, so
25 it doesn't create the same issues here because they actually had room to do that.

26
27 **CHAIR DE JONG** – Okay thank you. Okay, seeing no more questions of Staff
28 I'm going to go ahead and open Public Testimony and call the Applicant forward
29 if the Applicant is here.

30
31 **COMMISSIONER GELLER** – If they want too

32
33 **CHAIR DE JONG** – If you want to come forward to the podium please.

34
35 **APPLICANT** – (The applicant is speaking Spanish)

36
37 **TRANSLATOR** – We are the owners of the property at 12013 and we have no
38 objections of what is getting planned on there.

39
40 **APPLICANT** – (The applicant is speaking Spanish)

41
42 **TRANSLATOR** – He is saying that of today he has been having a lot of issues
43 regarding the permits. He has been bringing them and they have been sending
44 them back with codes; back and forth until today. This was about a week ago
45 that the papers have been returned to him according to codes that are needed.

1 **CHAIR DE JONG** – The correction items I believe; right?
2
3 **TRANSLATOR** – Yes
4
5 **APPLICANT** - (The applicant is speaking Spanish)
6
7 **TRANSLATOR** – He said that before the reno paperwork and planning and
8 everything that has been going on he hasn't hold anything. If it wasn't for him or
9 for permissions, he would have done this job already. It would have been
10 completed.
11
12 **APPLICANT** – (The applicant is speaking Spanish)
13
14 **TRANSLATOR** – Okay the only problem he is having right now is about the
15 permits and we would like to know if there is going to be a fence covering our
16 property for the safety of us living there.
17
18 **CHAIR DE JONG** – Okay I can direct that question to Staff
19
20 **PLANNING OFFICIAL TERELL** – Yes that is actually a question you would have
21 to ask Mr. Henry No. This is should hopefully be the final permission to build the
22 addition, assuming you've got your approval from the Building Department;
23 correct?
24
25 **TRANSLATOR** – Yes
26
27 **PLANNING OFFICIAL TERELL** – So once you get approved or if you get
28 approved tonight, then you could proceed with getting your building permit and
29 then start construction. But as far as the fence, you would have to talk to Mr. No
30 about whether that is included in your arrangement with the City or not.
31
32 **TRANSLATOR** – Okay, thank you
33
34 **APPLICANT** – (The applicant is speaking Spanish)
35
36 **TRANSLATOR** – He was telling me the answer to the question that I asked you
37 about the fence or anything that Mr. Henry had told him that was going to be
38 possible for us to have it but he wanted to know if you guys are compromised to
39 that.
40
41 **PLANNING OFFICIAL TERELL** – Well it's either going to be a block wall or
42 wood fence. Okay you need to get a building permit for that but as long as you
43 build it on or behind the new property line that should be fine.
44
45 **TRANSLATOR** – Okay
46

1 **CHAIR DE JONG** – Okay any other questions for us. So the family is happy
2 with this and everything is good.

3
4 **TRANSLATOR** – He made his decision. He said he is happy about that
5 Planning because he knows it is going to be better for us.

6
7 **CHAIR DE JONG** – The variance is all we have control over tonight; just the
8 variance part. Okay, thank you very much.

9
10 **APPLICANT** – Thank you

11
12 **CHAIR DE JONG** – Thank you. I'm going to go ahead and close Public
13 Testimony now and open Commissioner Debate. Who wants to go first?

14
15 **COMMISSIONER GELLER** – I don't think there is much to say if anything.

16
17 **CHAIR DE JONG** – There's not

18
19 **COMMISSIONER GELLER** - I'll make a motion unless somebody...

20
21 **CHAIR DE JONG** – Does anybody have anything to discuss at all? Okay, I'm
22 open for a motion

23
24 **COMMISSIONER GELLER** – Okay, I make a motion that we **APPROVE**
25 Resolution No. 2011-01; the first one of the year and thereby:

- 26 1. **RECOGNIZE** that Variance application P10-093 will not have a significant
27 effect on the environment and is therefore exempt from the provisions of
28 the California Environmental Quality Act (CEQA), per CEQA Guidelines ,
29 Section 15303 New Construction or Conversion of Small Structures; and
30 2. **APPROVE** Variance application P10-093, subject to the findings in
31 Planning Commission Resolution No. 2011-01.

32
33 **CHAIR DE JONG** – Thank you; is there a second on that?

34
35 **COMMISSIONER MARZOEKI** – Second

36
37 **CHAIR DE JONG** – Thank you; is there any discussion? All those in favor?

38
39 Opposed – 0

40
41 **Motion carries 6 – 0**

42
43 **CHAIR DE JONG** – Staff wrap up please

44
45 **PLANNING OFFICIAL TERELL** – Yes this action shall become final unless
46 appealed to the City Council with 15 days.

1 **CHAIR DE JONG** – Thank you very much and good luck.

2
3
4 **720**

5
6 **P10-104** **Variance**
7 **P10-083** **Amended Plot Plan**
8

9 **CHAIR DE JONG** – Staff report please

10
11 **ASSOCIATE PLANNER DESCOTEAUX** – Good evening Planning
12 Commissioners, I am Julia Descoteaux, Associate Planner. The item before you
13 this evening is P10-104 for the Variance and P10-083 for the Amended Plot Plan.
14 The Project includes an Amended Plot Plan for a change of use from retail to
15 medical office use. The medical office use requires additional parking and due to
16 the change of use and the proposed tenant improvements, the site improvements
17 that are required to meet the minimum parking lot design standards.
18

19 A variance for the reduction in landscaping and end planters is the item that we
20 are here for tonight. Variance findings can be supported by the unique
21 circumstances or conditions of the project site. The site was developed in the
22 1950's with the retail and residential structures. There have been little or no
23 changes to the site except for possible alterations to the interior of the structures.
24 The surrounding area is mixed use. It has both residential and commercial uses
25 as well. The access for the site will still be from Sunnymead Boulevard which is
26 the main access currently. The new parking lot will be designed with a minimum
27 of 17 parking stalls and also they'll be adding additional landscaping.
28

29 Again it won't meet the current standards but they will be putting as much as
30 possible in there. The minimum requirement is five feet and I believe the plan
31 shows approximately two to three feet depending on which location of the
32 parking lot you are looking at. There will be cosmetic changes only to the
33 exterior of the structure and in the interior of course; they will be doing
34 improvements for it. The project will not have a significant effect on the
35 environment and is therefore from the provisions of the California Environmental
36 Quality Act as a Class 1 Categorical Exemption for Existing Facilities. The
37 conditions of approval; I believe you have received the modifications; we've
38 added two additional conditions that were left out of the first release. We're just
39 requiring that any damages done to the existing improvements along Sunnymead
40 Boulevard that are damaged, they have to be repaired. With that, I'll conclude
41 Staff's presentation and we can answer any questions for you. Thank you.
42

43 **CHAIR DE JONG** – Thank you. Are there any Commissioner questions of Staff?
44

45 **COMMISSIONER SALAS** – How many parking spaces short are they of what is
46 required? You've got 17...how many should there be without a variance?

1 **ASSOCIATE PLANNER DESCOTEAUX** – Well they will still need the 17 parking
2 spaces. We did get the minimum number of parking spaces required. It's the
3 landscaping that is normally adjacent to the parking spaces that we couldn't get
4 in.

5
6 **CHAIR DE JONG** – I have a couple of questions. On the bottom of page 2 of the
7 Staff Report under Design, it mentions the existing residential structure is
8 conditioned to remain vacant since no parking is provided. I couldn't find any
9 condition that related to the existing residence. Did I miss something?

10
11 **ASSOCIATE PLANNER DESCOTEAUX** – No, we did try to provide for the
12 parking of the structure but they won't be using the structure for the single-family,
13 so...

14
15 **CHAIR DE JONG** – But it is not conditioned for that.

16
17 **ASSOCIATE PLANNER DESCOTEAUX** – Right, again I should have told you I
18 needed to remove that. It shouldn't be a statement.

19
20 **CHAIR DE JONG** – One of my concerns then is what happens to this building. It
21 just remains vacant and they're not touching it?

22
23 **ASSOCIATE PLANNER DESCOTEAX** – Yes, that's correct

24
25 **PLANNING OFFICIAL TERELL** – Well as I understand it, they could use the
26 structure but they've chosen not to, so that's why it's not required to be vacant.
27 There was a little bit of confusion as we were going through the process, so it is
28 our understanding that the owner does not intend to use the structure and keep it
29 vacant. They could use it for storage.

30
31 **CHAIR DE JONG** – That is my next question

32
33 **PLANNING OFFICIAL TERELL** – But there is sufficient parking should they
34 choose to use it.

35
36 **COMMISSIONER GELLER** – Do they need a Certificate of Occupancy or
37 something?

38
39 **PLANNING OFFICIAL TERELL** – For the house?

40
41 **COMMISSIONER GELLER** – Yes

42
43 **PLANNING OFFICIAL TERELL** – To re-occupy it?

44
45 **COMMISSIONER GELLER** – Yes

46

1 **PLANNING OFFICIAL TERELL** – No, the house is not a business
2
3 **COMMISSIONER GELLER** – So as a house?
4
5 **PLANNING OFFICIAL TERELL** – Yes; if they want to use it for storage then yes
6 they will need a Certificate of Occupancy because that would be changing the
7 use of the building.
8
9 **COMMISSIONER GELLER** – So if they wanted to rent it out or something they
10 do that?
11
12 **PLANNING OFFICIAL TERELL** – Correct
13
14 **CHAIR DE JONG** – Okay I have a couple more questions.... B12 (c) on page 3...
15 I'm not trying to be picky; I really need to know how that is supposed to read.
16 B12 (c) deals with the trees...
17
18 **PLANNING OFFICIAL TERELL** – The “at” and the “and” would be taken out
19
20 **CHAIR DE JONG** – It should say onsite trees shall be planted within the new
21 landscape areas.
22
23 **ASSOCIATE PLANNER DESCOTEAUX** – That’s correct
24
25 **PLANNING OFFICIAL TERELL** – That’s correct
26
27 **CHAIR DE JONG** – Good... Condition F4... How does condition F4 apply to this
28 project?
29
30 **PLANNING OFFICIAL TERELL** – Our understanding in discussions with the Fire
31 Department is that it would not apply. The structures are within 150 feet of
32 Sunnymead Boulevard and therefore they will not have to access the site, so
33 that’s why the driveways on this site are less than 24 feet, but it is not an issue
34 with the Fire Department.
35
36 **CHAIR DE JONG** – Because their hoses are longer than 150 feet or 150 feet...
37
38 **PLANNING OFFICIAL TERELL** – They are 150 feet; maybe one or two feet
39 longer I don’t know, but the standard is 150 feet.
40
41 **CHAIR DE JONG** – Okay and the 13 foot vertical clearance... Is that an issue?
42
43 **PLANNING OFFICIAL TERELL** – No, because they won’t be accessing this site.
44 They won’t be driving the fire truck on this site.
45
46 **CHAIR DE JONG** – How about an ambulance... aren’t they taller than that?

1 **PLANNING OFFICIAL TERELL** – No
2
3 **CHAIR DE JONG** – They are less than 7 feet?
4
5 **PLANNING OFFICIAL TERELL** – The ambulances... I don't know if an
6 ambulance is taller than 7 feet but for emergency access they're going to do that
7 from Sunnymead Boulevard.
8
9 **CHAIR DE JONG** – Alright
10
11 **PLANNING OFFICIAL TERELL** – I was thinking an ambulance is less than 13
12 feet. The 13 foot standard is a fire truck standard.
13
14 **CHAIR DE JONG** – The drawings say the roof is seven feet, so that's why I was
15 asking.
16
17 **PLANNING OFFICIAL TERELL** – Yes
18
19 **CHAIR DE JONG** – Okay and the last thing I have... the existing site lighting
20 really doesn't seem to be adequate, there is only two fixture heads at the back of
21 the site. Is that going to be at least... we're probably not going to change that but
22 I at least urge Planning to look at that?
23
24 **PLANNING OFFICIAL TERELL** – We are... There is Condition P10 that
25 requires...
26
27 **CHAIR DE JONG** – One foot candles and the half foot candle
28
29 **PLANNING OFFICIAL TERELL**- Yes, they'll have to meet that standard
30
31 **CHAIR DE JONG** – Okay I'm good. Are there no other questions? Okay, I'll call
32 the Applicant forward and open Public Testimony. Please state your name for
33 the record.
34
35 **APPLICANT ESTAY** – My name is Daniel Estay. I'm the Applicant for the
36 project and also the owner's representative. This project is decided from the
37 owners to accommodate existing clinics they have in the vicinity of Heacock and
38 the present status is they are leasing offices. They want to own their own and
39 have a more steady relationship in the City and be more stable where they can
40 develop business of course. They found this property and even though it is tight
41 in the existing conditions we are able to accommodate what they are looking for.
42 Therefore the front building which is 3,000 feet has been adopted to
43 accommodate what they need and the request for variance has to do with SAIT
44 and limited space for most of the landscaping at this time, we are meeting the
45 minimum parking and everything that we can in the landscaping approach to the

1 site and also doing minimum changes at this time where most of the inside is the
2 real job.

3
4 On the outside we are only adjusting a couple of doors just to accommodate
5 handicap access and also we will be adding light as was requested and of course
6 is required. In the rear we have old CMU block wall that just the wind blew those
7 so we'll be putting new walls and also the landscape and the parking lot and
8 mostly is cosmetic but keeping the structure as it is right now and every condition
9 that was set and explained we are open and of course to accommodate
10 everything within our best effort. So far I don't see anything that I was not able to
11 meet as requested by the Planning Division and any questions I'd be open to
12 answer.

13
14 **CHAIR DE JONG** – Okay, are there any questions of the Applicant?

15
16 **COMMISSIONER GELLER** – You saw the two new Conditions P11 and P12 and
17 you're okay with them?

18
19 **APPLICANT ESTAY** – Yes

20
21 **CHAIR DE JONG** – Okay I see no further questions. I think we're okay; thank
22 you.

23
24 **APPLICANT ESTAY** – Thank you

25
26 **CHAIR DE JONG** – Okay I'm going to close Public Testimony and open
27 Commissioner Debate. Who would like to go first tonight?

28
29 **COMMISSIONER GELLER** – I really don't think there is much to debate. It is
30 pretty straightforward. It is what it is. Sunnymead Boulevard is what it is, so
31 absent anyone who would like to speak, I'll make a motion.

32
33 **CHAIR DE JONG** – I'll just say that I appreciate the effort to renovate this
34 building. It has been vacant for a while and it is good to see this building being
35 cared for and it is going to help this little section of Sunnymead Boulevard
36 revitalize and that's good. I'm glad. It is very good that you have met the
37 minimum parking and that is not an issue; that is more important than the width
38 of the planter, although that being said I am glad that we have planters. It is a
39 nice trade-off. So, myself, I am very much in favor of the project, so thank you.
40 Go ahead Mike.

41
42 **COMMISSIONER GELLER** – I would like to make a motion that we **APPROVE**
43 Resolution No. 2011-02 and thereby:

- 44 1. **RECOGNIZE** that P10-104, Variance and P10-083 Amended Plot Plan
45 qualifies as an exemption in accordance with CEQA Guidelines, Section
46 15301 Existing Facilities; and,

1 2. **APPROVE** P10-104Variance and P10-083 Amended Plot Plan subject to
2 the attached Conditions of Approval as amended, included as Exhibit A.

3
4 **CHAIR DE JONG** – Thank you

5
6 **COMMISSIONER MARZOEKI** – Second

7
8 **CHAIR DE JONG** – Is there any discussion? All those in favor?

9
10 Opposed – 0

11
12 **Motion carries 6 – 0**

13
14 **CHAIR DE JONG** – Staff wrap up please

15
16 **PLANNING OFFICIAL TEREEL** – Yes this action shall become final unless
17 appealed to the City Council within 15 days.

18
19 **CHAIR DE JONG** – Okay thank you very much and thank you sir, good luck.

20
21
22 **730**

23
24 **P10-109 Amended Conditional Use Permit**

25
26 **COMMISSIONER BAKER** – On this item, I live within 300 feet of this property so
27 I am going have to excuse myself.

28
29 **CHAIR DE JONG** – Okay, thank you. Okay let the record reflect that
30 Commissioner Baker has recused himself and left the room. May I have the Staff
31 Report please?

32
33 **ASSOCIATE PLANNER DESCOTEUX** – I'm Julia Descoteaux, Associate
34 Planner. This project involves an Amended Conditional Use Permit within an
35 existing structure for a Residential Treatment Facility with seven or more
36 persons. The intent of this application is to amend the Conditional Use Permit
37 PA07-0074 which was a Conditional Use Permit for a Residential Treatment
38 Facility for Women and this Amended Conditional Use Permit will revise that
39 Conditional Use Permit from Women to Homeless Male Veterans. This facility is
40 an existing multi-family structure on the west side of Sheila Street and a
41 Conditional Use Permit is required for all residential care facilities with seven or
42 more persons. The project as designed and conditioned meets the minimum
43 criteria for a conditionally permitted residential care facility within an R20 Zone.

44
45 This facility will allow a maximum of 12 occupants to reside in three of the three
46 units with an office, staff counseling area and a manager's apartment in the

1 fourth unit. The proposed facility provides for transitional living services and
2 supportive services to homeless male veterans living with a mental illness in an
3 independent living environment. Per the attached letter of intent that you all
4 received, the proposed facility would revise again the intended clientele from
5 women with 24 hour staffing to veteran men, providing counseling and related
6 services with a facility manager living on the site. No structural changes are
7 proposed however the applicant will be conditioned to repaint the building with
8 approved colors, add a trash enclosure and revitalize the landscape to reduce its
9 non-conformity within the current design zoning.

10
11 The parking is a four-car garage parking with two additional spaces located to the
12 rear of the complex that will be used for the facility van and staff parking. The
13 project will not have a significant effect on the environment because it will occur
14 within an existing structure and therefore is exempt from the provisions of the
15 California Environmental Quality Act as a Minor Alteration to Existing Facilities.
16 A public notice was sent out to all property owners within 300 feet, posted on the
17 site and listed in the newspaper and to date I have not received any comments
18 on this project. This concludes Staff's presentation and at this time we can
19 answer any questions for you. Thank you.

20
21 **CHAIR DE JONG** – Thank you. Are there any Commissioner questions of Staff?

22
23 **COMMISSIONER MARZOEKI** – What is the City Council target area?

24
25 **PLANNING OFFICIAL TERELL** – They identified some areas... an area and this
26 is the only area that they have designated so far for focused attention using the
27 Community Development Block Grant Program and this area was selected and
28 the park that is up the street from here that was just completed, which was the
29 result of a purchase of a liquor store and a car wash and the demolition of that
30 was the focus of the target area in order to reduce crime in this area, which
31 apparently has been quite successful.

32
33 **COMMISSIONER MARZOEKI** – So did they get additional funding for this
34 through the CDGB's...

35
36 **PLANNING OFFICIAL TERELL** – No they didn't get any additional funding, it
37 was just a way to focus it in this particular area rather than spreading it across
38 the larger block grant area, which is just much more extensive.

39
40 **COMMISSIONER MARZOEKI** – Okay, thank you.

41
42 **CHAIR DE JONG** – Conditions P03 and P04 seem when I was reading it; they
43 seemed to contradict each other. Maybe I'm not reading that right... or PD3 and
44 PD4; I didn't have my glasses on. Low sodium...I know it's good for the diet.

1 **PLANNING OFFICIAL TERELL** – High sodium... yes it's good for the diet. I'm
2 not sure why there is a contradiction of these. These have been conditions that
3 have been...
4
5 **CHAIR DE JONG** – But is that true, are they contradicting themselves?
6
7 **PLANNING OFFICIAL TERELL** – Well one is low and one is high, so yes they
8 do contradict...
9
10 **CHAIR DE JONG** – Okay, that's what I thought
11
12 **COMMISSIONER GELLER** – Are they low pressure sodium lights?
13
14 **CHAIR DE JONG** – They are; yes
15
16 **PLANNING OFFICIAL TERELL** – Yes
17
18 **CHAIR DE JONG** – And they both are calling for the exterior so here is one...
19
20 **COMMISSIONER GELLER** – One is over the light and one is over the door
21
22 **CHAIR DE JONG** – But it isn't clear; the first one could be over the door too
23 because it says exterior.
24
25 **PLANNING OFFICIAL TERELL** – It is somewhat ambiguous.
26
27 **CHAIR DE JONG** – It could be taken that way, yes
28
29 **PLANNING OFFICIAL TERELL** – I mean I think if you had... the idea is that they
30 want a certain kind of a light that you can actually see people better in. I guess
31 one of these lights and I think is the high pressure sodium is the yellow light, so I
32 don't think they want that kind of lighting because it is hard to distinguish people's
33 features in it.
34
35 **CHAIR DE JONG** – They want the whiter light
36
37 **PLANNING OFFICIAL TERELL** – Correct
38
39 **CHAIR DE JONG** – Okay, that would be low pressure
40
41 **PLANNING OFFICIAL TERELL** – Low pressure; yes that's right
42
43 **CHAIR DE JONG** – Would that still be true over the doorway as PD4 refers to?
44
45 **PLANNING OFFICIAL TERELL** – Yes... I mean if I had to guess, PD4 should be
46 changed to low pressure also.

1 **CHAIR DE JONG** – Could we just eliminate PD4 and say low sodium even over
2 the doors... I mean including over the doorway if low pressure sodium is what we
3 want because we don't need to repeat the same thing twice.

4
5 **PLANNING OFFICIAL TERELL** – That would probably fine.

6
7 **CHAIR DE JONG** – I know it's a little thing but it is a thing.

8
9 **PLANNING OFFICIAL TERELL** – It's good because we can make sure that we
10 change; we could contact the Police Department and have their standard
11 conditions modified in the future.

12
13 **CHAIR DE JONG** – Okay, thank you.

14
15 **COMMISSIONER DOZIER** – Is there a store connected with this facility? Am I
16 reading PD6?

17
18 **CHAIR DE JONG** – Yes I read this too.

19
20 **ASSOCIATE PLANNER DESCOTEAUX** – It's their standard conditions. We can
21 remove that one as well.

22
23 **COMMISSIONER GELLER** – It'll have to be outside the front. Make sure it is in
24 plain view

25
26 **CHAIR DE JONG** – Exactly, there you go. Okay are there any other comments
27 to Staff. Okay seeing none I'm going to go ahead and open Public Testimony
28 and call the Applicant forward. Please state your name for the record. Thank
29 you.

30
31 **APPLICANT YOUNG-LOWE** – I'm Karyn Young-Lowe. Good evening
32 Commissioners, Staff and neighbors and residents of Moreno Valley. Please
33 allow me to first begin by thanking the City of Moreno Valley Planning
34 Department. I want to say a special thank you to Julia Descoteaux and also to
35 Yahnel Bishop. The Planning Staff has been extremely helpful and supportive
36 during our application period and I very much appreciate their efforts and work in
37 preparing us for our application and this Hearing. As I said my name is Karyn
38 Young-Lowe and I am the President and CEO of Lighthouse Treatment Center.
39 Lighthouse has been a part of the Moreno Valley community since 2007.

40
41 In fact as you heard in the Staff Report in 2007 we were awarded a Conditional
42 Use Permit to provide residential substance abuse treatment services to women
43 and women with children. We also have a license from the State of California to
44 provide residential treatment services and were awarded that license in January
45 of 2008. Unfortunately with the significant budget cuts to social services our
46 agency has been unable to secure funding to provide the services under our

1 current CUP, however I am very excited to let you know that we have been
2 awarded funding through the Department of Veteran Affairs or the VA to provide
3 transitional living services and supportive services to male homeless veterans
4 who are living with a mental illness.

5
6 Lighthouse Treatment Center is a highly structured program and our program
7 services are maintained in a drug and alcohol-free environment. Case
8 management services and group activities will be conducted throughout the day
9 and our residents are required to sign in and out of the facility. We also impose a
10 curfew on all of our veteran residents. Veterans can stay in our program for up to
11 24 months however the goal of the VA and also of Lighthouse is to have our
12 veteran residents remain with us only for 12 months and for them to be in a
13 permanent living situation after those 12 months. The overall program goals
14 include residential stability for each veteran, an increase in income and skill level
15 for our veterans and also a greater sense of self-determination. Each veteran
16 participating in the Lighthouse program will develop a comprehensive service
17 plan and the Lighthouse staff lists each veteran in a meeting his goals through
18 individual case management services, on-site group experiences and also
19 through referrals to other community base providers. All the residents will
20 receive their medical, dental and mental health services through the Loma Linda
21 VA Medical Center. Our grant is a partnership with the VA. As stated in the Staff
22 Report we do have a live-in manager and he is responsible for monitoring our
23 residents as well as our facilities. Transitional living services are provided to 12
24 residents at any given time and food and household supplies are provided by
25 Lighthouse. We feel extremely honored to have the opportunity to provide this
26 much needed service to some of our nation's hero's and I just want to
27 acknowledge that I have my facility manager with me Alvin Bennett and also two
28 of our veteran volunteers have also come with us this evening, so I want to
29 acknowledge them. Thank you so much gentlemen for being here.

30
31 In closing we are very excited about the Staff recommendation and for approval
32 of our Amended Conditional Use Permit and we have read the attached Staff
33 Report and the conditions and we are in agreement with all of the conditions,
34 however I would like to request a slight modification in Condition P6 and that
35 condition states that prior to occupancy the building shall be painted. We're
36 hoping that this condition could be placed on the same time-line; the same 90
37 day time-line as the trash enclosure and the landscaping. This would allow our
38 agency the needed time to secure funding for the painting and also time for us to
39 meet with the City because we do have to review our color choices with the City
40 and they have to approve it.

41
42 Finally, our Board of Directors; our Community Advisory Committee and our Staff
43 look to forward to partnering with the City of Moreno Valley to continue to build
44 our community and also to provide the best services possible to our residents. I
45 thank you very much for your review and consideration of our application and I
46 am available for any questions that you might have.

1 **CHAIR DE JONG** – Are there any questions for the Applicant?
2

3 **COMMISSIONER GELLER** – Yes hi... In 2008 was it operational with the
4 women and women with children?
5

6 **APPLICANT YOUNG-LOWE** – Unfortunately we have not been operational. We
7 have not been able to secure funding and for a large residential program you do
8 have to have a big grant in order for it to cover everything, so no; but we were
9 given our license. It's kind of the chicken before the egg. You have to be
10 licensed before you can even begin services.
11

12 **COMMISSIONER GELLER** – Okay, so you have the CUP but you've never
13 actually operated in that facility?
14

15 **APPLICANT YOUNG-LOWE** – No
16

17 **COMMISSIONER GELLER** – Okay, what is Staff's position on the 90 days?
18

19 **PLANNING OFFICIAL TERELL** – We're open on that. Obviously we'd like to get
20 the improvements as soon as possible and we usually tie it to a Certificate of
21 Occupancy if we can, but it can be later. It's at the pleasure of the Planning
22 Commission.
23

24 **COMMISSIONER SALAS** – Okay, are you planning on housing 12 veterans in
25 this residence at this facility?
26

27 **APPLICANT YOUNG-LOWE** – Yes we are. Actually our former CUP allowed us
28 to house 15 in the same configuration, but the State was allowing us to do bunk
29 beds and the VA does not want us to do bunk beds, which is why we are only
30 doing 12 people.
31

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

34 **CHAIR DE JONG** – Okay, I noticed the inclusion of new Conditions of Approval
35 P3 and P4; the POP and the security on site. Do you feel there is any danger to
36 neighborhood or the community with the mental illness that we are talking about?
37

38 **APPLICANT YOUNG-LOWE** – I don't; I don't because all the people that we will
39 be providing services to are able to live independently. They'll be people who
40 would be stabilized on their medication and they go through a pretty rigorous
41 evaluation before coming in to us. We are also always assessing them. They
42 are being assessed by our Staff as well as by the VA staff and we have pretty
43 strict rules in terms of whether or not you are actively participating in your mental
44 health plan; that means seeing your Psychiatrist and your Therapist on a regular
45 basis. We have waivers that we sign back and forth so that we can release
46 information to the VA and they can release information to us and also you must

1 be stabilized on your medication and you must be taking your medication. But
2 these are folks that are independent and really we are a transition for them.

3
4 **CHAIR DE JONG** – Okay, I noticed in your letter that you mentioned that part of
5 the program they have to check in and check out rigorously. Are they allowed to
6 check out and then wander out or walk away I should say. Forgive me for
7 asking, I don't know.

8
9 **APPLICANT YOUNG-LOWE** – No, no, no I that's okay. I just want to be clear
10 on what you are asking. Do you mean if a person decided that they wanted to
11 leave the facility would they...

12
13 **CHAIR DE JONG** – By checking out do they just sign their name out and then
14 allowed to walk through the community.

15
16 **APPLICANT YOUNG-LOWE** – I'm sorry; no. Actually our sign out log says what
17 their name is; where they're going and when they are going to return, so no,
18 they're not just wondering around and we also have a pretty rigorous program, so
19 they have structured things that they are doing all during the day.

20
21 **COMMISSIONER GELLER** – It's not a locked facility though?

22
23 **APPLICANT YOUNG-LOWE** – We are not a locked facility. It's a transitional
24 living program... yes not locked at all, but that's a good question.

25
26 **CHAIR DE JONG** – I'm just trying to get a feel for the...

27
28 **APPLICANT YOUNG-LOWE** - ... of kind of seeing it; yes I understand

29
30 **PLANNING OFFICIAL TERELL** – Chair De Jong, P3 is a standard condition that
31 we now apply to any new or renovated multi-family complex, so that's related
32 to... just insuring there aren't any problems; not because we think there are
33 problems and then P4 actually is a carry-forward from the original approval. The
34 Police Department just wanted the opportunity after either the original facility or if
35 you approve it, this facility as an operation just to assess it to see if there is any
36 need for any additional security measures, so there might be any.

37
38 **CHAIR DE JONG** – I didn't mean to imply that there were, I just thought it was
39 bold; which it's means it is a new item and not a standard condition.

40
41 **PLANNING OFFICIAL TERELL** – Right it is special; yes

42
43 **APPLICANT YOUNG-LOWE** – And if I could also just make one comment about
44 that. The VA has a very rigorous inspection process that they go through and
45 actually the VA Police came out and inspected our building; three of them. They
46 come out and do an inspection and we are certainly happy for Moreno Valley

1 Police Department to come out also and they come out at least on an annual
2 basis, but they let me know that can kind of come out anytime and we said we
3 welcome you coming out anytime.

4
5 **CHAIR DE JONG** – Sure and your clients want to be in your facility; they want to
6 be in there so they can get themselves...

7
8 **APPLICANT YOUNG-LOWE** – Oh most definitely, most definitely...

9
10 **CHAIR DE JONG** – That's the key right there

11
12 **COMMISSIONER DOZIER** – Yes I had a question. It said that because of the
13 change in CUP that you would not have to provide an awake staff 24 hours,
14 however there is someone living there. There is staff living there on the
15 premises.

16
17 **APPLICANT YOUNG-LOWE** – There is

18
19 **COMMISSIONER DOZIER** – 24 hours

20
21 **APPLICANT YOUNG-LOWE** – Yes there is

22
23 **COMMISSIONER DOZIER** – Okay, but they're not necessarily there 24 hours.
24 Staff on their off hours could leave the facility.

25
26 **APPLICANT YOUNG-LOWE** – They could because it is a more independent
27 population than we were originally going to serve. For the residential treatment
28 population you have people that are coming in there, still in their very early
29 sobriety and so that's why we were having awake onsite staff, but for a
30 transitional living program, people are much more independent. They probably
31 have already gone through a treatment program if they had to do that and as I
32 said before are also stabilized on their medication, so there doesn't have to be an
33 awake person with them, but we do have a live-in person plus I'm there and we
34 also have volunteers that are assisting us.

35
36 **COMMISSIONER DOZIER** – So there would be someone on duty per say

37
38 **APPLICANT YOUNG-LOWE** – Not necessarily for 24 hours; probably almost 24
39 hours but I do have to let Alvin have a little time off, so yes he would you know,
40 but we're available. There are phones in each of the units and as I said it is a
41 more independent population than we were originally conditioned for.

42
43 **COMMISSIONER DOZIER** – So people can sign in and out and that's all they
44 have to do is sign in and out; where they are going and when they are coming
45 back... Right, okay, got it.

1 **COMMISSIONER GELLER** – This is to Staff, but I don't think she'd object. Do
2 you see any reason not to eliminate also PD5, PD7 and PD8? I don't think they
3 have any application in this facility.

4
5 **PLANNING OFFICIAL TERELL** – I believe they would want PD8... PD7 yes I
6 don't think there is any issue in removing that and then actually PD5 is actually a
7 pretty standard condition. Obviously they don't have a parking lot so I think we
8 could remove that.

9
10 **COMMISSIONER GELLER** – So they want "No Loitering" signs. I mean okay...

11
12 **PLANNING OFFICIAL TERELL** – Well they require them on certain multi-family
13 properties.

14
15 **COMMISSIONER GELLER** – Okay it just seemed kind of strange, so Staff
16 concurs to eliminate 5, 6, and 7... PD 5, PD6 and PD7

17
18 **CHAIR DE JONG** – Not 6

19
20 **ASSOCIATE PLANNER DESCOTEAUX** – 6 and 7

21
22 **COMMISSIONER GELLER** – Well there is no parking lot

23
24 **PLANNING OFFICIAL TERELL** – Yes there is no parking lot, so we can 5, 6,
25 and 7 out and I think the other one that we talked about earlier.

26
27 **CHAIR DE JONG** – Where are we at, sorry what number?

28
29 **COMMISSIONER GELLER** – Well what are we going to do with PD4... just
30 verify whatever kind of lights they need to put they'll put? We don't need to
31 decide that tonight... yes okay.

32
33 **CHAIR DE JONG** – But Staff realizes now that they contradict so they'll be
34 watching for that. Alright, any other questions of the applicant? Okay I see
35 none, thank you. Okay I'm going to close Public Testimony and open
36 Commissioner Debate. Who would like to go first?

37
38 **COMMISSIONER GELLER** – I'll go first. Yes I remember; it was quite a few
39 years ago approving it before and it's never been used, so I don't really see any
40 significant problems. The neighbors don't seem to be concerned per say. I'm
41 not concerned and I don't have a problem giving them the 90 days to finish the
42 painting also. I just want to make sure that it gets done, but I guess; like the
43 other two things, I suppose the City could revoke their CUP if they don't comply
44 with the conditions. I don't have any problem giving them the 90 days to do the
45 painting because I know that can be rather pricey and the other improvements
46 and that way they can potentially have one contractor do everything at the same

1 time, so I'm supportive of the project with those changes and allowing them 90
2 days to complete the painting portion of it.

3
4 **COMMISSIONER SALAS** – If they are going to be able to come in and out and
5 with the new park down there, are they going to be able to just go down there
6 and just hang around the park or can they... that's my only concern.

7
8 **PLANNING OFFICIAL TEREEL** – Well there is issues...I mean there are
9 prohibitions against loitering in a park also and if that was an issue... The reason
10 this is a Conditional Use Permit is if those kinds of issues arise then we have the
11 ability to review or first of all talk to the applicant and have them address the
12 issue and if they don't address the issue they have the potential to lose their
13 CUP.

14
15 **COMMISSIONER GELLER** – They're not prisoners though

16
17 **COMMISSIONER SALAS** – I understand that; I understand that. Okay, thank
18 you that's all I have.

19
20 **COMMISSIONER MARZOEKI** – What about the 90 days for the painting?

21
22 **COMMISSIONER GELLER** – What about it?

23
24 **COMMISSIONER MARZOEKI** – No you said okay, but Commissioner Salas...

25
26 **COMMISSIONER SALAS** – 90 days is sufficient. I think we could give them a
27 break on 90 days but I think they need to get it done quicker... the sooner the
28 better because the area is pretty run down, so yes...

29
30 **COMMISSIONER MARZOEKI** – And I support the project as well and I'm fine
31 with the 90 days.

32
33 **COMMISSIONER DOZIER** – Yes I want to thank Ms. Lowe for having this kind of
34 facility for helping our veterans. I appreciate it very much and I'm supporting the
35 project and good luck to you.

36
37 **CHAIR DE JONG** – Okay and I also will support the project. Thank you very
38 much. This project is commendable. I'm sorry you couldn't get off the ground in
39 2007 but this is a good turnaround. This is a needed project. I'm also in support
40 of the 90 days. The reason of course that we usually tie it to occupancy is we
41 need to make sure that it gets done and we still need to make sure that it gets
42 done. As it was mentioned earlier the CUP could be revoked if it needs to be
43 and I don't think it will come to that, so you know it has to be done and we know
44 it's going to be done.

45
46 **COMMISSIONER GELLER** – We'll come knocking on the door if it's not painted.

1 **CHAIR DE JONG** – So that’s that. Are we ready to make a motion?

2
3 **ASSISTANT CITY ATTORNEY BRYANT** – Excuse me Chair; sorry to interrupt.
4 Did you ask for any other comments from the Public on this issue?

5
6 **CHAIR DE JONG** – I might not have. Thank you. I don’t have any Speaker
7 Slips, but let me do that right now. Thank you. I’ll reopen Public Testimony and
8 is there anybody who would like to speak on this item that did not turn a Speaker
9 Slip in? Now is the opportunity. Okay seeing nobody coming forward, I’m going
10 close Public Testimony and continue Commissioner Debate and am ready for
11 Commissioner Geller to make a motion. That’s three... nobody else wants to
12 make a motion? It’s a slam dunk tonight sir!

13
14 **COMMISSIONER GELLER** – I’d like to make a motion that we... and to just
15 verify for the record the changes that we’ve made; P6, they’ll have 90 days to
16 comply; we’re eliminating PD5, PD6 and PD7 and PD3 and PD4 will be reviewed
17 and they’ll come up with a consistent kind of lighting that meets the requirements
18 of the Police Department.

19
20 **CHAIR DE JONG** – Correct, good.

21
22 **COMMISSIONER GELLER** – Okay with those changes noted I make a motion
23 that we **APPROVE** Resolution No. 2011-03 and thereby:

- 24 1. **RECOGNIZE** that P10-109 Amended Conditional Use Permit qualifies as
25 an exemption in accordance with CEQA Guidelines, Section 15301
26 Existing Facilities; and,
27 2. **APPROVE** P10-109 Amended Conditional Use Permit subject to the
28 attached Conditions of Approval as amended, included as Exhibit A.

29
30 **CHAIR DE JONG** – Thank you; is there a second to that?

31
32 **COMMISSIONER MARZOEKI** – Second

33
34 **CHAIR DE JONG** – Okay is there any discussion? All those in favor?

35
36 Opposed – 0

37 Abstention – 1 (Vice Chair Baker)

38
39 **Motion carries 5 – 0 – 1, with one Abstention (Vice Chair Baker)**

40
41 **CHAIR DE JONG** – Staff wrap up please

42
43 **PLANNING OFFICIAL TEREEL** – Yes this action shall become final unless
44 appealed to the City Council within 15 days.

1 **CHAIR DE JONG** – Thank you. Actually he wasn't absent, he was recused.
2 Thank you and good luck to you.

3
4
5 **800 OTHER BUSINESS**

6
7 **810 Staff Comments**

8
9 **PLANNING OFFICIAL TERELL** – You will not have a meeting on February 10th,
10 but as there always are lately, several projects which are really close, so it's
11 possible there will be a meeting on February 24th. If that seems like a possibility
12 we'll be contacting you in the next couple of weeks to check on your availability,
13 otherwise the items will just push over into your March meeting.

14
15 **CHAIR DE JONG** – Okay thank you

16
17 **COMMISSIONER GELLER** – When do the terms of the existing Commissioners
18 end if they choose not to reapply or they don't reapply or they or not?

19
20 **PLANNING OFFICIAL TERELL** – They don't end until the new Commissioners
21 are selected?

22
23 **COMMISSIONER GELLER** – Okay there is not a date certain.

24
25 **PLANNING OFFICIAL TERELL** – I mean technically?

26
27 **COMMISSIONER MARZOEKI** – March 31st

28
29 **PLANNING OFFICIAL TERELL** – Yes it will be March 31st or April 1st, but it's
30 until the new Commissioners are selected which might be by March 31st.

31
32 **COMMISSIONER GELLER** – If anyone wants to apply I think they have until
33 tomorrow.

34
35 **CHAIR DE JONG** – No it's today; today was the deadline

36
37 **COMMISSIONER GELLER** – That's right; this is Thursday, so I guess it's over

38
39 **CHAIR DE JONG** – It was today at five; so they are done

40
41 **COMMISSIONER GELLER** – Too late; sorry

1 **900 COMMISSIONER COMMENTS**

2
3 **CHAIR DE JONG** – Are there any Planning Commissioner comments?

4
5 **COMMISSIONER GELLER** – For those that didn't want to suffer through the
6 meeting on Tuesday or haven't seen the newspaper, the City has agreed to hire
7 a new City Manager and I think he is taking February 2nd?
8

9 **PLANNING OFFICIAL TERELL** – I think it's the second week in February. It is
10 like the 7th or something like that
11

12 **COMMISSIONER GELLER** – So anyway, certainly on behalf of myself and
13 hopefully the rest of the Planning Commission, I'd like to welcome the new City
14 Manager formerly of Rialto or soon to be formerly of Rialto.
15

16 **CHAIR DE JONG** – Right; thank you. Is there anybody else? I'd just like to say I
17 saw the new monument sign at the east end of Sunnymead Boulevard. That just
18 popped up there this week and lit up it looks great; it looks nice. It's not too big
19 and not too small; just right.
20

21
22 **1000 ADJOURNMENT**

23
24 **CHAIR DE JONG** – I'd like to hear a motion for adjournment
25

26 **COMMISSIONER GELLER** – So moved
27

28 **CHAIR DE JONG** – Is there a second?
29

30 **COMMISSIONER SALAS** - Second
31

32 **CHAIR DE JONG** – Thank you; we have a motion and second. Good night
33 Moreno Valley.
34
35
36

37
38 _____
39 John C. Terell
40 Planning Official
41 Approved
42
43

Date

44
45 _____
46 Rick De Jong
Chair

Date

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1 CITY OF MORENO VALLEY
2 PLANNING COMMISSION
3 REGULAR MEETING
4 FEBRUARY 24TH, 2011

5
6
7
8 **CALL TO ORDER**
9

10 Chair De Jong convened the Regular Meeting of the City of Moreno Valley
11 Planning Commission on the above date in the City Council Chambers located at
12 14177 Frederick Street.
13
14

15
16 **ROLL CALL**
17

18 Commissioners Present:

19 Chair De Jong
20 Vice Chair Baker
21 Commissioner Dozier
22 Commissioner Geller
23 Commissioner Salas, Jr.
24

25 Excused Absence:

26 Commissioner Marzoeki
27

28 Staff Present:

29 John Terell, Planning Official
30 Jeff Bradshaw, Associate Planner
31 Mark Gross, Senior Planner
32 Eric Lewis, Traffic Engineer
33 Mark Sambito, Principal Engineer, Land Development
34 Clement Jimenez, Senior Engineer, Land Development
35 Randy Metz, Fire Marshall
36 Suzanne Bryant, Deputy City Attorney
37
38
39

40 **PLEDGE OF ALLEGIANCE**
41
42
43
44
45

1 **APPROVAL OF AGENDA**

2
3 **CHAIR DE JONG** –Thank you, the next item is the approval of Agenda.

4
5 **COMMISSIONER GELLER** – Move approval

6
7 **CHAIR DE JONG** – Is there a second

8
9 **COMMISSIONER SALAS** – Second

10
11 **CHAIR DE JONG** – Is there any discussion? Okay, all those in favor?

12
13 Opposed – 0

14
15 **Motion carries 5 – 0**

16
17
18
19 **PUBLIC HEARING ITEMS**

20
21 **CHAIR DE JONG** – The next item is to advise the public of the procedures to be
22 followed in this meeting and these are on display on the table by the door.

23
24
25
26 **PUBLIC COMMENTS**

27
28 **CHAIR DE JONG** – Our next item is an opportunity by any member of the public
29 to comment on items which are not listed on the Agenda but which is within the
30 subject matter of the jurisdiction and I see no one coming forward and I have no
31 Speaker Slips.

32
33
34
35 **NON-PUBLIC HEARING ITEMS**

36
37 **CHAIR DE JONG** – We have no Non-Public Hearing items and we have no
38 approval of minutes tonight.

39
40
41
42 **PUBLIC HEARING ITEMS**

43
44 **1. Case Number: P10-031 (Amended Conditional Use Permit)**

45
46 **CHAIR DE JONG** – May I have the Staff Report please?

1 **ASSOCIATE PLANNER BRADSHAW** – Thank you. Good evening Chair De
2 Jong and members of the Planning Commission. My name is Jeff Bradshaw. I
3 am an Associate Planner with the Planning Division. Item 1 is an Amended
4 Conditional Use Permit. It has been submitted at the request of the Applicant
5 with the proposal to expand an approved concrete Batch Plant onto an adjoining
6 parcel that was previously approved for development as a self-storage
7 warehouse facility.

8
9 The project site is located in the western portion of the City. It is on the east side
10 of the Old 215 Freeway and about 1,000 feet south of Alessandro Boulevard.
11 Surrounding uses in the area include a mixture of commercial and non-
12 conforming residential uses to the north in the vicinity of Alessandro Boulevard.
13 There are light manufacturing and warehouses to the east. Surrounding the
14 project site on approximately 20 acres is the Gateway Business Park Project
15 which was approved a couple of years ago and with similar zoned vacant land to
16 the south and March Air Reserve Base also further to the south near Cactus
17 Avenue.

18
19 The property owner owns both the Batch Plant site as well as the site that was
20 approved for the self-storage warehouse facility and since the approval of both of
21 those projects, the developer of the self-storage warehouse has withdrawn
22 interest in pursuing that project and so Robertson’s had taken a look at the
23 vacant property and approached the City with this application to build or to
24 expand their operations onto that adjoining parcel which would result in an
25 increase in project size from 2 acres to 5 acres. The expanded area would be
26 used to store concrete delivery trucks as well as the material that is processed or
27 produced there on the site.

28
29 It is important to note that while the site area is increasing the daily production of
30 the operations of the Batch Plant, all the things that were originally approved by
31 the Planning Commission will remain the same and so except for an increase in
32 area the conditions that were originally applied to the Batch Plant would also
33 continue to apply and govern the operations of the Batch Plant. The facility was
34 also approved originally with a Variance because of the location of a high
35 pressure gas line along the western frontage of Old 215 frontage road and the
36 project has been designed to basically respect that same setback and so it is
37 designed for consistency with the variance that was approved originally. Again
38 the Batch Plant in terms of production and operations will continue to operate just
39 exactly the same way as was originally approved. With the site area now being
40 larger; the building that is proposed along the frontage would increase in length
41 so it could continue to act in the capacity of screening the operations from view
42 from the public right-of-way and so the building would go from 195 feet in length
43 to 286 feet. The design in terms of appearance, colors and materials is all
44 exactly the same as what was approved by the Planning Commission originally.

1 On the wall there I have posted a number of exhibits. The top two exhibits; the
2 larger size exhibits represent what is proposed with this application. The smaller
3 exhibits are there for reference to show what the site layout was for the original
4 approval and then there is a color exhibit available to basically represent the
5 colors in concept again for that building and again it is conditioned to look exactly
6 the same as it was presented to the Planning Commission originally. The
7 expanded site area will be screened by perimeter walls along the north, east and
8 south and those will vary in height from 18 feet to 12 feet depending on the
9 location of the property line. Conditions of approval and mitigation measures that
10 were applied to this project originally that were specific to the operation of the
11 self-storage facility have been removed from the conditions of approval because
12 they no longer apply and those related primarily to requirements on the Batch
13 Plant to protect the caretaker's residence that would have been located within the
14 self-storage facility from the noise that would have been generated from the
15 Batch Plant. So again in terms of design the Amended CUP is consistent with
16 what was approved originally and conditioned in a similar fashion to what was
17 approved by the Planning Commission in August of 2008.

18
19 We are also presenting to you an Addendum to the Mitigated Negative
20 Declaration. The changes to this facility were minor enough that we went through
21 the Initial Study check list and updated the project description, but there was not
22 a need to go back and examine any of the check list questions or respond any
23 differently to those and so a new environmental was not required but just rather
24 an addendum to what was prepared originally. Standard notification was
25 completed for this project and as of this evening I received two inquiries. We
26 provided you copies of the correspondence that I received. One was a letter
27 from the City of Riverside and the other was a letter from the adjacent property
28 owner to the north.

29
30 The other item that has come to you after circulation of the Staff Report was a
31 memo that Planning had prepared with some recommended revisions to the
32 some of the Planning conditions. After the Staff Report was complete, the
33 Applicant had a chance to review the conditions of approval and had indicated
34 some concerns with some of the Planning conditions and some Land
35 Development conditions and my understanding is that following conversations
36 with Staff, that the Land Development conditions were acceptable but Planning
37 did agree to work with them to make revisions to conditions P1, P11 and P17 and
38 so we would be recommending those revisions to the Planning Commission for
39 approval.

40
41 **COMMISSIONER GELLER** – Do you mean P13?

42
43 **ASSOCIATE PLANNER BRADSHAW** – You are correct. There is a typo in my
44 notes to myself... P1, P13 and P17. Thank you. With that, that completes my
45 presentation and I would be happy to take any questions that you might have.
46

1 **CHAIR DE JONG** – Are there any Commissioner questions?
2

3 **COMMISSIONER GELLER** – So the... whatever color this is...the applicants
4 agreed to these changes to the conditions; the P1, P13 and P17 addendum
5 sheet?
6

7 **ASSOCIATE PLANNER BRADSHAW** – Yes my understanding is that they are
8 okay with the changes we made there.
9

10 **COMMISSIONER GELLER** – And looking at the City of Riverside note isn't that
11 already done in this project... their concerns?
12

13 **ASSOCIATE PLANNER BRADSHAW** – Yes, Staff felt like we had addressed all
14 the items that they were asking to take note of as we reviewed the project.
15

16 **COMMISSIONER GELLER** – And the letter from Andland; is there anything
17 being done on it?
18

19 **ASSOCIATE PLANNER BRADSHAW** – I know that the two parties have been in
20 conversation today and I believe maybe arrived at a resolution but they are both
21 here this evening and are available to talk to.
22

23 **COMMISSIONER GELLER** – Okay
24

25 **PLANNING OFFICIAL TERELL** – Yes and on that one, we just felt it was not an
26 issue that the City should not take sides on.
27

28 **COMMISSIONER GELLER** – Okay, I'm not disagreeing I'm just inquiring. That's
29 it for me. Thank you
30

31 **CHAIR DE JONG** – Are there any other Commissioner questions? Okay I have
32 a couple of questions. On P1, even on the new revised one, I see that it calls for
33 tree screening of course on all sides as well as the north, however it doesn't call
34 for interior tree screening that is shown. Is there a reason for putting it on the
35 interior? I mean really to me the purpose of tree screening is to screen the
36 property and the walls and so on and by putting it on the inside, we're really
37 losing half the screening value.
38

39 **ASSOCIATE PLANNER BRADSHAW** – The intent there is to be able to control
40 more of what is happening with the trees and the landscape irrigation and not to
41 have to worry about maintenance that would need to occur outside of the
42 property line. In terms of the screening function of the trees; at maturity would
43 anticipate the canopy and all that would be up above the height of the wall and
44 so it didn't appear to Staff that by moving the trees to the interior of the property
45 we would lose the benefit of the screening function of those trees.
46

1 **CHAIR DE JONG** - Okay

2
3 **PLANNING OFFICIAL TERELL** - Yes we're actually looking at the future
4 development providing that softening effect that you're talking about on the wall.
5 The trees were intended to screen what is behind the wall.

6
7 **CHAIR DE JONG** – The apparatus and so on... understood

8
9 **PLANNING OFFICIAL TERELL** – Correct

10
11 **CHAIR DE JONG** – Tell me where do truck drivers park on the site? It wasn't
12 apparent. No those are trucks. I mean when they come to work in their personal
13 cars... personal car parking...

14
15 **ASSOCIATE PLANNER BRADSHAW** – The striped spaces would allow for
16 some of that. In terms of the actual operation though...

17
18 **CHAIR DE JONG** – Well I mean it's calling for it; the large spaces are calling for
19 cement truck parking and I was just curious if we're allowing for the truck drivers
20 to drive their personal vehicles to the site and park and then take a Robertson's
21 truck out because it wasn't apparent.

22
23 **PLANNING OFFICIAL TERELL** – Yes I think the Applicant can probably fill in
24 better but this is a similar approach to the original. There are places to park I
25 believe closer to the office and then the drivers could in essence park where the
26 trucks are because there is only going to be one or the other in that place at one
27 time.

28
29 **CHAIR DE JONG** – Logical, but I just...

30
31 **PLANNING OFFICIAL TERELL** – But I think the Applicant who operates many
32 of these plants would be better able to tell us how they really like to park.

33
34 **CHAIR DE JONG** – That would be ideal. Okay that's all for now. I see no more
35 questions so I'll go ahead and open Public Testimony and call the Applicant
36 forward.

37
38 **APPLICANT** – Hi, good evening. My name is Christine and I'm with Robertson's
39 Redi-Mix. I'd like to thank the Planning Commission for giving us the opportunity
40 to speak tonight. I'd also like to thank Staff. Jeff Bradshaw has really been a
41 pleasure to work with, so we appreciate that. You can't always say that. We
42 want to also express how excited we are to be moving forward right now. It's
43 been a very slow several years. It feels great to be pushing a project forward
44 again. Our guys are excited about moving over here so we're very excited about
45 moving forward. We've read the conditions and we've agreed to all of them
46 except for one condition that we still have concerns with and that is P8, simply

1 because the building does exactly what it is designed to do and that is to
2 completely screen the site. We have a very similar site over in Lake Forest and
3 we made an architectural change where the building kind of cut and then
4 trimmed back and we put a screen wall and you can peek through and still see
5 the equipment, so we wanted to go ahead and bring it from driveway to driveway
6 to just really provide a great screen for Old 215. We know there were concerns
7 about the visual from Old 215 and I have a photo of our Lake Forest Plant that I
8 think will help you to understand what I'm talking about.

9
10 **CHAIR DE JONG** – So you in essence would like to eliminate the planter?

11
12 **APPLICANT** – No, there will be one planter that wraps around the driveway that
13 would cause us to cut that material building short.

14
15 **CHAIR DE JONG** – Okay

16
17 **APPLICANT** - It would be... what we'd like to do is build it per the site plan; the
18 way it is laid out now. A condition was added that the building would have to
19 maybe have a notch cut into it or cut short and put the wing wall back, but the
20 changes were made to eliminate any kind of peek effect where you could peek
21 back and see the equipment. We've also spoken with Wes Alston and Rance
22 Ferry regarding their concerns. They've been satisfied and they're happy with
23 the screening as it currently is and they met with me just before the Hearing and
24 asked me to mention that. Our building plans are ready for submittal and with
25 your approval we'll be ready to begin constructing by the summer, which we'd
26 sincerely like to be doing, so we're asking for your approval tonight. I wanted to
27 answer one quick question regarding the parking. The way it works is our guys
28 when they arrive at the site, they start their truck up and they pull it out and then
29 they put their personal into the space. That's the way it is done.

30
31 **CHAIR DE JONG** – That answers that question. Thank you. Are there any
32 Commissioner questions?

33
34 **COMMISSIONER GELLER** – So you want P8 eliminated? I just want to be sure.

35
36 **APPLICANT** – Changed... changed where the planter won't be wrapping around
37 the corner of the material storage building.

38
39 **COMMISSIONER GELLER** – What would you want it say?

40
41 **APPLICANT** – Exactly as the site plan is laid out now, just to eliminate the
42 planter that would wrap around the edge of the building.

43
44 **PLANNING OFFICIAL TERELL** – Yes I think if it is per plan, then I recommend
45 that you just eliminate or delete that condition and I had a chance to take a look
46 at the picture. While I would say that I prefer the clip and it is not a big deal,

1 there is all the landscaping all across the front as well as the benefits of having
2 the higher wall wraparound and fully screen the equipment from Old 215. So
3 typically we'd ask for a planter adjacent to a driveway, but this is a little bit
4 different and it gives the Planning Commission the discretion, if they agree, to
5 eliminate that condition.

6
7 **CHAIR DE JONG** – Alright. Are there any other questions of the Applicant? I
8 think we're okay. Thank you very much

9
10 **APPLICANT** – Thank you.

11
12 **CHAIR DE JONG** – Okay I see nobody else wishing to talk, so I'm going to close
13 Public Testimony and open Commissioner Debate.

14
15 **COMMISSIONER GELLER** – Actually I think having another mini-storage place,
16 there is probably some benefits to just them expanding the plant because
17 actually there would be less traffic and less of everything and a mini-storage
18 places can have all kinds of problems. I don't see any problem with the project
19 and it will be very nice to get it out of the more prime land in Moreno Valley. I
20 know we've been working on this for years and years. I guess we approved the
21 last thing in '08 and now we're in '011, so I would like to get them on their way
22 and I don't see any reason not to eliminate P8 and let them move forward.

23
24 **COMMISSIONER SALAS** – I agree with Commissioner Geller. It's going to be a
25 great thing to get it out of where it's at now and to move it off of that main corridor
26 on Day Street will be a great thing. I have no problem with the project.

27
28 **COMMISSIONER DOZIER** – I just wanted to make a comment that what some
29 people don't realize is that when you are in a growing situation and it's been slow
30 yes, for the last couple of years, but we are hoping that we are starting to see
31 signs of it picking up. A lot of our space is being filled, so that will encourage
32 developers to want to start building again and when they start building again and
33 it is critical for any region or area to have easy access to the building materials;
34 the concrete; the batch mix and sometimes in planning we say okay we want to
35 get rid of those kinds of projects and we want to push them out; we want to push
36 them further out; you know further away where they can't be seen, when in fact
37 you have to stay strategically in a place where it is more cost effective and
38 economical to provide that service; to provide that good and that service so that
39 you can build out.

40
41 We are accomplishing this here in Moreno Valley and we should pat ourselves
42 on the back that we solved a couple of problems. We took a batch plant out of a
43 part of our City where we want to do a little more upscale other kinds of projects,
44 but we didn't push them out too far where it would cost our developers more to
45 develop here within our City, so we are accomplishing a lot of things by having
46 this move and they don't have to move very far; it's kind of like right down the

1 road. So I think it is a win, win for a lot of different reasons and I'm happy to see
2 it and I'm happy we finally got to a happy medium where everybody could get
3 what they need and we could actually serve all of those needs.

4
5 **CHAIR DE JONG** – Thank you

6
7 **VICE CHAIR BAKER** – Yes I spent some time down on this location this
8 afternoon. I think this is and to reiterate what the other Commissioners said, this
9 is a win, win deal for the City and Robertson's and everybody involved and I think
10 this a great location for this facility. It is probably going to be a plus for down in
11 that area so I'm one hundred percent behind it and let's move forward.

12
13 **CHAIR DE JONG** – Good, I also would like to voice my support, however this is
14 deliberation and I would like to add one little comment. The storage building in
15 there; that's a 35 foot wall and it is a pretty blank wall. I'd like to see a band of
16 color across the top. First of all what do we think of that? I mean just a little...
17 we're talking about a 35 foot wall.

18
19 **PLANNING OFFICIAL TERELL** – Well there is a screed line there and you are
20 talking about a different color...

21
22 **CHAIR DE JONG** – From the screed line up

23
24 **PLANNING OFFICIAL TERELL** – Above the screed line...

25
26 **CHAIR DE JONG** – Just maybe a brick color or something concrete

27
28 **PLANNING OFFICIAL TERELL** – Well the colors of the building are shown and
29 it's kind of hard to read but on the bottom drawing there; the approved colors and
30 there is kind of a pinkish color and a brownish color at the top; that's actually the
31 above the screed line and it's even smaller in that area above the screed line. I
32 think that certainly obviously adds a little bit to the building. I don't know if that
33 causes any concerns by the Applicant, but it would be basically a painted band is
34 what you are talking about.

35
36 **CHAIR DE JONG** – Right, we've done that on warehouses nearby here and I
37 think it makes a big difference on the building. If Staff would concur, I'll ask my
38 fellow what we think.

39
40 **COMMISSIONER DOZIER** – I would support that. I mean that's a pretty large
41 wall that's going to be facing traffic that is coming down the I-215 and if the
42 Applicant doesn't see that as a major expense, I feel like it is reasonable to
43 explore.

44
45 **CHAIR DE JONG** – Does anybody else want to chime in?
46

1 **COMMISSIONER GELLER** – I don't have any objection. We should just ask the
2 Applicant.
3
4 **CHAIR DE JONG** – We're going to
5
6 **COMMISSIONER SALAS** – I don't have any objection. I think it's a good idea.
7 That's a great idea.
8
9 **VICE CHAIR BAKER** – I'm just thinking is that about half way down?
10
11 **CHAIR DE JONG** – Not half-way down, maybe three feet from the top.
12
13 **PLANNING OFFICIAL TERELL** – This is just a suggestion... if you look at the
14 front elevation; the front elevation is a little fancier. It's got like a capitol... I don't
15 know what you'd exactly call that... pediment... it's not the pediment it's the
16 capitol isn't it, but it's a little more decorative element at the top and obviously to
17 ask the Applicant, but if you did something similar and just wrapped the whole
18 building with a similar band, that's probably about 2 feet wide I'm guessing or are
19 you looking at something wider?
20
21 **CHAIR DE JONG** – Eighteen inches... yes that could work. I mean maybe five
22 feet down from the top or something.
23
24 **PLANNING OFFICIAL TERELL** – Okay
25
26 **CHAIR DE JONG** – In addition to the top one
27
28 **PLANNING OFFICIAL TERELL** – Sure, yes sure
29
30 **CHAIR DE JONG** – Something like that... okay. Let me reopen Public
31 Testimony and call the Applicant back up please. So you can of see where we
32 are kind of going with that... something to break up what we feel is a large
33 expanse of the 35 foot wall there.
34
35 **APPLICANT** – I think I could easily agree to paint, but to another... you're not
36 talking about another set of that crown molding right, okay or whatever it's
37 called... probably not crown molding but yes paint certainly.
38
39 **CHAIR DE JONG** – I'm open to paint. Good thank you.
40
41 **APPLICANT** – Thank you.
42
43 **CHAIR DE JONG** – Good, thank you. I'm going to close Public Testimony and
44 reopen our discussion and I guess I'll finish up and it seems like we have a
45 consensus up here. The Applicant has agreed, so I'd like to add a... and we'll
46 call it Planning's discretion a three foot band or from the screed line up...

1 **PLANNING OFFICIAL TERELL** – From the screed line up; so the paint would be
2 at the screed line... I'd recommend it be kind of being at the screed line plus
3 something; plus this paint band. Does that make sense, so you'd have two
4 things breaking it up?

5
6 **CHAIR DE JONG** – Okay, well you're not really... it's not like a big ... it's just a
7 small screed right.

8
9 **PLANNING OFFICIAL TERELL** – I don't know... the pictures; I think it is going
10 to be similar to what you see in the picture there, so I think it is actually... it's has
11 a little bit of... it's deep enough that it has a shadow line on it.

12
13 **CHAIR DE JONG** – It does... yes maybe... maybe half the distance then... two
14 feet... just a good thickness so it's nicely visible.

15
16 **PLANNING OFFICIAL TERELL** – Yes I agree. We'll write something up on that
17 and that will be the new P8 I assume, right?

18
19 **CHAIR DE JONG** – That would be it. That would be perfect. I think we're ready
20 for a motion if somebody is ready to go.

21
22 **COMMISSIONER GELLER** – I'll make a motion. I'd like to **APPROVE**
23 Resolution No. 2011-04 and thereby:

- 24 1. **APPROVE** an Addendum to a Mitigated Negative Declaration and associated
25 Mitigated Monitoring Program for Amended Conditional Use Permit P10-031
26 in that the application, as designed and conditioned will not result in
27 significant environmental impacts; and,
28 2. **APPROVE** Amended Conditional Use Permit application P10-031, subject to
29 the conditions of approval as amended, as attached as Exhibit A.

30
31 **CHAIR DE JONG** – Do we need to make reference to the new P8?

32
33 **COMMISSIONER GELLER** – Yes that's the change; P8 will be changed

34
35 **CHAIR DE JONG** – Okay is there a second?

36
37 **COMMISSIONER SALAS** – I'll second

38
39 **CHAIR DE JONG** – Okay, any discussion? All those in favor?
40 Opposed – 0

41
42 **Motion carries 5 – 0**

43
44 **CHAIR DE JONG** – Staff wrap up please
45

1 **PLANNING OFFICIAL TERELL** – Yes this action shall become final unless
2 appealed to the City Council within 15 days.

3
4 **CHAIR DE JONG** – Okay, thank you. Thank you. Good luck.
5
6
7

8 **2. Case Number: PA10-0038 Tentative Tract Map. No. 36340**
9 **PA10-0039 Conditional Use Permit**
10 **PA10-0029 Development Agreement**
11

12 **CHAIR DE JONG** – Staff report please
13

14 **SENIOR PLANNER GROSS** – Yes, good evening Chair De Jong and members
15 of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a
16 report on the proposed residential project here before you this evening, which
17 has definitely been a rarity around these parts for a while. The Applicant, Beazer
18 Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a
19 Conditional Use Permit and a Planned Unit Development for a 275 lot single
20 family residential small lot detached subdivision on 29 acres to include individual
21 home sites and community recreation facilities within two land use districts; one
22 of them the R15 land use district which is where the home sites will be located
23 and then you have a protection of existing rock outcroppings and drainage basin
24 which is existing on the OS (open space) land use district.
25

26 The project is located on the southeast corner of Eucalyptus and Iris and consists
27 of a revision to an existing 276 unit condominium project approved back in 2005
28 for Beazer Homes and is consistent with surrounding land use density
29 requirements and with current smaller lot single family and surrounding multiple
30 family developments in the vicinity. The design and location of the project will
31 allow for walkable communities; actually, a walkable community to two
32 surrounding regional commercial centers which would likely reduce vehicle miles
33 and trips, where it gives that walk ability to these particular sites. Conceptual
34 plans of the models, map and the plot plan are located there on the far wall. The
35 Applicant has also I believe and you should have this as a copy, booklets with
36 additional elevation plans and project details and I believe that is in Exhibit 6 of
37 the report.
38

39 Now what I'd like to do briefly is just summarize the three discretionary
40 components of the project before you this evening. The first item is the Tentative
41 Tract Map which is delineating land uses into approximately four acres within the
42 OS land use district; again that is in the center of the tract to include open space
43 and drainage basin uses and then you have the 25 acres within the R15 land use
44 district, which would include the 275 individual lots for single family ownership
45 and then you also have a number of lettered lots for common and private open
46 space type areas.

1 The second component of the project is the Conditional Use Permit/Planned Unit
2 Development. Now the project is meeting allowable Planned Unit Development
3 requirements; will not exceed the maximum density of 15 units per acre and does
4 provide for many amenities found which you would typically find in multiple family
5 developments and that would include again the private open space, tot lots,
6 community recreation building, a pool, picnic and barbecue areas and numerous
7 turf play areas. Now the small lot single family development will provide in this
8 case a greater innovation of housing and choice of ownership most likely in this
9 case for the first time home buyer or senior.

10
11 Now the developer is asking for allowable deviations which are allowed within the
12 Planned Unit Development portion and that is as long as amenities are included
13 in the project, and I think there are quite a few amenities within this particular
14 project. The deviations that we are talking about do include lot area, lot
15 dimension, lot coverage and setbacks. Now an example of the size of the lots;
16 we're talking the lots ranging from about 1,846 square feet to approximately
17 3,181 square feet; while the unit square footage will range from anywhere 1,377
18 square feet to 1,981 square feet.

19
20 The third component of this particular project is the development agreement.
21 Now the developer had previously provided substantial public improvements in
22 the vicinity of the original project necessary to facilitate the development of the
23 adjacent Stone Ridge Town Center which is directly to the north. The Applicant
24 has identified a temporary, in this case with the Development Agreement, a
25 temporary reduction of development impact fees as necessary for the financial
26 feasibility of providing with this revised project during this time of economic
27 uncertainty. Now as part of the proposed agreement, the developer agrees to
28 build all required improvements including a recreation building and I think some
29 of the things we talked about; pool, play area; seating areas, trails, green belts,
30 parking and such.

31
32 The developer will also incorporate energy efficient features into the development
33 which may include LED or similar energy efficient lighting in common areas, solar
34 water heater for heating for the recreation building and pool as well as providing
35 energy efficiency for all housing units, which will be at least ten percent beyond
36 the requirement of current building code requirements. Now the environmental
37 determination for this project does include an addendum to the previous Negative
38 Declaration in accordance with California Environmental Quality Act Guidelines.
39 No substantial changes have occurred from the project which would require
40 major revisions of the environmental document and no new significant
41 environmental effects have been identified with this 275 unit residential single
42 family project versus the 276 unit which is just one additional unit for the multiple
43 family project which was previously approved out on that site.

44
45 The Public Notice was sent to all property owners on record surrounding the site,
46 published in the newspaper and posted on site. Staff did not receive any public

1 inquiries on the project. Now as a reminder this evening, Planning Commission
2 will be making a decision on the Tentative Map and the Conditional Use Permit
3 and will provide a recommendation to the City Council on the Development
4 Agreement. The Development Agreement will then tier off from this and be
5 presented to the City Council as an Ordinance. That concludes the Planning
6 Division's portion of the report. At this time I'd like to turn it over Clement
7 Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land
8 Development Project conditions of approval.

9
10 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – Hi, good evening
11 Chair and members of the Planning Commission. My name is Clement Jimenez
12 with the Land Development Division. In addition to the green sheet before you
13 which revises one of our conditions of approval, to make it more applicable to this
14 particular project where the maintenance of the water quality basin in going to be
15 borne by the HOA and not by the City. We have eliminated some sections of our
16 special standard condition of approval there as you can see and struck out font
17 and in addition to that we have other conditions of approval that we would like to
18 revise to reflect the currently submitted map before you, which we got after we
19 wrote the conditions of approval and one of the conditions that we would like to
20 revise is LD57(c). We would like it to read, "private storm drain easement
21 retained by owner, his successors and assigns for storm drain line improvements
22 from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-
23 way". It is basically going to be a private storm drain versus a public storm drain
24 as was previously stated. The other change is also to LD57 (g). We propose
25 that that subsection be deleted entirely. It was a typo and then the other
26 condition is LD65. That condition is no longer applicable because of the revised
27 map before you. Before this latest version of the Tentative Map there was a two
28 foot strip along the not a park area shown on sheet 3 of the Tentative Map. That
29 no longer exists because of the negotiations that Beazer has had with the
30 Eastern Municipal Water District, so it is no longer applicable and we are
31 proposing to delete that condition and that concludes the changes from Land
32 Development. Thank you.

33
34 **CHAIR DE JONG** – Okay thank you. Okay are there any Commissioner
35 questions of staff? I have a question. Mark is there, I didn't see, is there a
36 physical connection from the development to the public use trail and if not could
37 there be one? I didn't see one.

38
39 **PLANNING OFFICIAL TERELL** – My understanding is that there is not and that
40 is a standard or a preference on the part of the Parks and Recreation
41 Department.

42
43 **CHAIR DE JONG** – They don't want a connection?

44
45 **PLANNING OFFICIAL TERELL** – They don't; they prefer not to have private
46 connections right into the trail. If it's possible, if there is going to be one, I'm sure

1 that has already been arranged with the prior approval, so the Applicant might be
2 able to help us out because they worked more directly with the Parks and
3 Recreation than Planning did.

4
5 **CHAIR DE JONG** – It just seems a shame that they can't have direct access to it
6 at some point; it is such a large development.

7
8 **PLANNING OFFICIAL TERELL** – Right, there are access points but they are
9 further around the corner.

10
11 **CHAIR DE JONG** – I know and my other question is that I noticed there is a lot of
12 existing utilities and fire hydrants in place. Will those have to be relocated or are
13 they sufficient for this development?

14
15 **PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO** – Hello Mr.
16 Commissioner. The answer to that is yes. Some of them will need to be
17 modified to accommodate the new layout but the Applicant made a very good
18 attempt to leave as many as they could in place to accommodate their new
19 design.

20
21 **CHAIR DE JONG** – It makes sense, good. Are there any other questions?

22
23 **COMMISSIONER GELLER** – Yes, why are the DIF fees being reduced?

24
25 **PLANNING OFFICIAL TERELL** – Primarily due to the investment in the
26 infrastructure Beazer already made in excess of what is required for their project.
27 They put in a lot of infrastructure related to the development of Stone Ridge
28 Shopping Center for which they could not get credit or reimbursement. The other
29 is obviously to induce the project because Staff feels that it will have a beneficial
30 impact on those two shopping centers and their continued growth.

31
32 **COMMISSIONER GELLER** – Okay

33
34 **COMMISSIONER DOZIER** – I was looking at the new condition where any of the
35 bio-swales or any of the water treatment on the property is going to be paid for by
36 the homeowners through the HOA. Is that typical to have the HOA pay for that?

37
38 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – Yes, for multi-family
39 residential projects that is typical as well as this project.

40
41 **COMMISSIONER DOZIER** – Alright because I noticed then there was dedicated
42 maintenance easements the City of Moreno Valley, and then if they are taking
43 care it the City is not taking care of it, so they don't need an easement. Do I
44 understand that correctly?

45
46 **SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ** – That's correct

1 **COMMISSIONER DOZIER** – I gotcha, okay

2
3 **CHAIR DE JONG** - Okay seeing no more questions I'll go ahead and open
4 Public Testimony and call the Applicant forward. Good evening.

5
6 **APPLICANT** – Good evening Chair, Commissioners and Staff. First of all I want
7 to thank you for your time today. I want to say a special thanks to Mark and John
8 and the rest of the City Staff to inspect this review. Beazer has just finished off
9 about 400 units just adjacent to this property and also helped build all the main
10 infrastructure along Nason, Eucalyptus and Fir along with the commercial center
11 and as Mark was mentioning before, this is a new development for us here. We
12 started back in 2005. We actually built a model there; everything tanked and we
13 find out now that condo's are hard to get financing for now so that's why we
14 came up with this new detached single lot home. Beazer is really excited to be
15 here. This is our third project here recently, so we hope this will be successful
16 and hope that you guys are in favor of it also.

17
18 **CHAIR DE JONG** – Okay thank you. Are there any questions?

19
20 **COMMISSIONER GELLER** – I am concerned and I just want you to think about
21 it. I am concerned with the left elevations. I understand I guess supposedly they
22 are going to be back to back on the houses but I just don't think that's what we
23 had in mind when we talked about four-sided architecture. I'm not sure that there
24 is anything that we should do but I just wanted to bring that to your attention at
25 this moment.

26
27 **APPLICANT** – If I could speak on that...

28
29 **COMMISSIONER GELLER** – Sure

30
31 **APPLICANT** – The reason why the left elevation is blank on that wall below the
32 fence line is basically because the other parties patio is going to be right there,
33 so it's kind of weird having a window looking out to your adjacent neighbor's
34 patio. So it's kind of a privacy thing...

35
36 **CHAIR DE JONG** – That is in all cases?

37
38 **APPLICANT** – In all cases and then if see on the left elevation end units it is on
39 the top. That's where we provided the additional windows on the elevation.

40
41 **CHAIR DE JONG** – So the blank wall would never be facing a street or a drive?

42
43 **APPLICANT** – Never be facing a street or a drive...

44
45 **CHAIR DE JONG** – Okay, does that make any difference down there?

46

1 **COMMISSIONER GELLER** – You know it’s hard till you actually drive by them.
2 That’s been said many times and you drive through some of these
3 neighborhoods and they look absolutely abysmal because you can see clearly
4 between the houses and just all these blank walls. I’m not suggesting you put
5 more windows in. I don’t know, I just... the theory that no one sees it just never
6 seems to... but again I don’t have the ability to visualize driving through the
7 complex, but that’s exactly what I didn’t want to have to see.

8
9 **PLANNING OFFICIAL TERELL** – Yes we did and unfortunately that was so long
10 ago I don’t think I saved, but there were pictures... Beazer has built a similar
11 project up in Sacramento and we had the opportunity to see pictures of it and
12 what they had done there is they provided street scenes and in looking down the
13 street what you could normally see was kind of the return on the houses and you
14 can see on certainly the top one, the detailing is closest to the end of the unit
15 where it’s most likely to be seen, so we did as for that. Originally as I recall there
16 was nothing on those walls, so it’s a faux window, it’s not a real window or a
17 window with the shutters closed, so it’s a little more detailed than you can see,
18 but we tried to focus those on the ends of the units where you are most likely to
19 see between the units. The difference between... there are probably some that
20 are wider but the typical distance between them is feet between units. The
21 typical distance between say single family tracts, where we realize you can see
22 much more is 15 feet between homes, so it’s much, much closer.

23
24 **CHAIR DE JONG** – And houses with 15 feet between them really do have the
25 four-sided architecture addressed and that’s a different story.

26
27 **PLANNING OFFICIAL TERELL** – Well we haven’t see any since the Ordinance
28 was... but that’s the intent; yes; in those cases you would have windows on all
29 four sides and those windows would all have detailing similar to what is on the
30 front.

31
32 **COMMISSIONER GELLER** – I have a couple other questions. Is the HOA going
33 to be responsible for the front yard maintenance?

34
35 **APPLICANT** – That is correct

36
37 **COMMISSIONER GELLER** – Okay, I know that had been done on many of
38 these so they will have a consistent look. And how much guest parking is there
39 and how far is it? I mean if someone has a party, where are the people going to
40 park?

41
42 **APPLICANT** – There is a half-unit per... there is a half-space per resident and
43 they are bay parking, so it’s like in a standard parking lot and they are scattered
44 pretty well throughout the site.

45
46 **SENIOR PLANNER GROSS** – There is a total I believe of 138

1 **COMMISSIONER GELLER** – They are well hidden

2
3 **PLANNING OFFICIAL TERELL** – When you start counting, there is like three
4 here and four there and six there and it's up to 138.

5
6 **COMMISSIONER GELLER** – Okay that's all I have

7
8 **CHAIR DE JONG** – Thank you. Are there any Commissioners of the Applicant?
9 Okay, I don't have any right now either

10
11 **APPLICANT** – Thank you

12
13 **CHAIR DE JONG** – Okay I'm going to close Public Testimony and open
14 Commissioner Debate.

15
16 **COMMISSIONER GELLER** – Well I guess I'll go first to go last. Yes other than
17 the left elevations, you know if they are always only going to be six feet apart I
18 guess you're not going to see them. I'm certainly not going to have somebody do
19 something for nothing; just you know again looking at the pictures they don't...
20 but I think this is for whole array of reasons and all the reasons specified, that
21 this is the development concept of the future in terms of keeping the costs down;
22 keeping the energy efficiency down; walkability; closeness to the shopping
23 center. I mean I'd say I think this is for a whole array of reasons probably the
24 building style of the future and the PUD is a great concept to allow far more
25 flexibility than just having rows and rows of identical lots of somewhat identical
26 houses and I know this area well. I've spent the last 20 years hiking through
27 there. I've been watching the trails develop over the years and trying to figure
28 out how to get around the houses, but you know I certainly know this area well
29 and like I say I think this kind of innovative design is really the future of detached
30 houses as a practical matter. Nobody is going to be able afford anything else
31 and I think they've done an excellent job. I think it is going to be a nice looking
32 center and the other work that they have done in that center you know exceeded
33 my expectations in terms of overall and I approved that whole thing a long, long
34 time ago, so I'm in support of the project and I have no objection to the
35 amendments to the conditions.

36
37 **CHAIR DE JONG** – Okay, George...

38
39 **COMMISSIONER SALAS** – Well I'm not happy with... I don't like the six feet
40 houses every three feet apart or six feet apart, but I agree with Commissioner
41 Geller on the economic times that I guess this is going to be what we are looking
42 at. They've done a real good job of presentation and the elevations are nice
43 looking, so I'll support the project.

44
45 **COMMISSIONER GELLER** – And lastly no one has to buy them, I mean if they
46 don't want neighbors that close they don't buy this product.

1 **CHAIR DE JONG** – That’s a better way to put it.

2
3 **COMMISSIONER GELLER** – Yes, that’s what I meant to say. I wasn’t...

4
5 **COMMISSIONER DOZIER** – I was very pleased to see this come forward
6 because I thought that it was going to stay vacant for a longer period of time as
7 the development community tried to figure out where the market was going to be,
8 so I’m happy to see it come forward at this time. It’s kind of the light at the end of
9 tunnel kind of thing. We get some construction going in town and we take an
10 area that is now vacant and looks unfinished and it gets finished and it will
11 certainly improve the prospects for additional business for the center which is
12 right across the street and around the corner. All of those are positives for the
13 City. We are talking about jobs; we’re talking about capital investment and this is
14 a sign of the economic times. You can’t pencil out the same kinds of projects
15 that were penciled out just three years ago or four years ago in a different
16 economy and I think these look very, very good and I’ve seen other projects like
17 it that are designed similarly where the people work it out. They are happy to
18 own their own home. They are happy and they show pride of ownership. The
19 problems that you have with parking and closeness... actually the closeness
20 forces you almost to know your neighbor a little better and so people just work it
21 out. They have a big party; they work it out. They say hey I’m going to have a
22 party this Saturday and I need your space and your space and your space and if
23 it’s okay for a few hours they work it out, so I’m happy to see it and I certainly am
24 supportive of it. It is coming a lot sooner than I thought.

25
26 **VICE CHAIR BAKER** – Yes I think this is a great project for the area and we’re
27 moving towards getting some housing for people that is affordable. They are not
28 going to have to mortgage the farm to get in here. In looking at this, there are a
29 lot of amenities for these people in this close to 30 acres. I see there is a spa in
30 there; a pool; a big open space. This is a great deal, so I’m behind it 100 percent
31 and I see all those parking spaces in here when I go to the colored layout, which
32 there is probably way over a hundred, so I’m always concerned when I see
33 something like this because parking is a real problem when you have a couple of
34 guests and they are sprinkled out here pretty nicely. I like the remote gated
35 access; that is always good, so there are a lot of plusses to this project, so I’m for
36 it and I think we need to move forward with it. Thank you

37
38 **CHAIR DE JONG** – I too am in support. I think this is another great product to
39 our housing portfolio in the City. It’s just another different product that people
40 can choose from and I think that’s what makes it so great. It is a sign of the
41 times; the reduced size and the smaller side yards, but that is what a lot of
42 people are going to be wanting. I had a question for Traffic. Is this going to put a
43 pinch on the end of Eucalyptus there where it kind of dead ends to the right there
44 down by Walmart? I know that is more out of our hands; it is more in Cal Trans
45 getting that end of the street off-ramp kind of thing redesigned. Is that going to
46 move forward any time soon any faster than was originally planned?

1 **TRAFFIC ENGINEER LEWIS** – Good evening; Eric Lewis, City Traffic Engineer.
2 There aren't immediate plans to get that work done. It is a lot of money to build
3 the interchange obviously so thankfully though Nason is moving along very
4 quickly here and so they'll be some bumps in the road so to speak for a little
5 while and then a lot of progress and then the next phase will probably be Moreno
6 Beach.

7
8 **CHAIR DE JONG** – Good, okay, I didn't mean to divert much on that. I really like
9 keeping the open space. I'm glad that we as a City have decided to maintain the
10 rocky boulder open spaces. I think it is going to be a great product and if I may
11 bring my fellow Commissioner attention to this elevation here where it shows
12 along the street, it has windows along the bottom of it, so it's a different elevation,
13 so that's good. I was happy to see that too. With that I think we're ready for a
14 motion.

15
16 **COMMISSIONER DOZIER** – When you alluded to traffic patterns, I just want to
17 go on the public record and say we sometimes as planners, people say why did
18 you approve all of those homes and all of those cars before the street
19 intersections were done? This is some of the reason why. There is a need to
20 move forward with kind of project and there are so many plusses for it that we
21 can't wait to do those intersections; one, because of the cost and the times today
22 and trying to get that money to do those kinds of improvements. Sure we would
23 like to do them ahead of time and if we had the money and the power it would
24 already be done before the project is approved, so for a little while it is going to
25 be a little inconvenient. I know that stop light at Nason going onto the freeway;
26 that bridge overpass is going to get backed up from time to time but the local
27 residents are going to have to try to avoid it and go around it and figure out
28 another way to traverse through there, but I want to go on record and say that
29 we're aware of it; we know it; we're not doing this in a void, but sometimes things
30 have to go forward first before we can get in a position to make it so that is really,
31 really convenient for everybody.

32
33 **CHAIR DE JONG** – Well said

34
35 **PLANNING OFFICIAL TERELL** – Following onto that point, the development
36 agreement as proposed, there are no reductions in the TUMF fee; the regional
37 fee and those are the fees that really pay for those big improvements like
38 interchanges as in the case of Nason and the design work for Moreno Beach
39 which is actually pretty far along.

40
41 **CHAIR DE JONG** – Good, glad to hear that. Who would like to make a motion
42 tonight or are we ready for one? I think we're ready for it.

43
44 **COMMISSIONER GELLER** – Well I'll make it since...

45
46 **CHAIR DE JONG** – Well this will be the last time

1 **COMMISSIONER GELLER** – Yes you won't have me to kick around so...
2 alright... I'd like to make a motion that we **APPROVE** Resolution No. 2011-05,
3 2011-06 and 2011-07 and thereby:

- 4 1. **ADOPT** an Addendum to a Negative Declaration; and,
- 5 2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039
6 Conditional Use Permit/Planned Unit Development for a 275 lot single family
7 residential development with common and natural open space areas and a
8 community recreation building with pool on an approximately 29 gross-acre
9 site in the R15 (Residential 15) and OS (Open Space) land use districts,
10 based on the findings included in the Resolutions, subject to the attached
11 conditions of approval as amended included as Exhibit A to the resolution,
12 Attachments 2 and 3; and,
- 13 3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development
14 Agreement based on the findings included in the resolution, (Attachment 4).

15
16 **VICE CHAIR BAKER** - Second

17
18 **CHAIR DE JONG** – Thank you and we have a second. Is there any discussion?
19 All those in favor?

20
21 Opposed – 0

22
23 **Motion carries 5 – 0**

24
25 **CHAIR DE JONG** – Staff wrap up please

26
27 **PLANNING OFFICIAL TERELL** – Yes the Tentative Tract Map and the
28 Conditional Use Permit shall become final... Those approvals unless appealed to
29 the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative
30 Tract Map included and then the Development Agreement will go forward to the
31 City Council for final review and action and that is scheduled for March 22nd.

32
33 **CHAIR DE JONG** – Okay thank you very much. Thank you and good luck.

34
35
36
37 **OTHER BUSINESS**

38
39 **1. 2010 Annual Report of the Planning Commission**

40
41 **CHAIR DE JONG** – Is there any quick presentation on that or do we have a Staff
42 Report or...

43
44 **PLANNING OFFICIAL TERELL** – Just generally... hopefully this is the low
45 point...in 2010 there was 24 projects you looked at last year. That is
46 approximately a quarter of what you looked at the year before and so we're all up

1 from here. But what didn't slow down very much were the administrative reviews
2 which were over 600 and 82 plan checks, so those actually stayed pretty stable
3 and everything seems to be picking up this year so far. We've got several new
4 projects in that you'll be seeing this year, so we're hopeful that this year you'll
5 have least 25.

6
7 **CHAIR DE JONG** – Hey a step up

8
9 **COMMISSIONER GELLER** – Alright I'll make a motion that we accept the 2010
10 Annual Report of the Planning Commission and direct Staff to forward it to the
11 City Council.

12
13 **COMMISSIONER SALAS** – And I'll second that

14
15 **CHAIR DE JONG** – Okay we have a second; discussion? All those in favor?

16
17 Opposed – 0

18
19 **Motion carries 5 – 0**

20
21
22
23 **STAFF COMMENTS**

24
25 **PLANNING OFFICIAL TERELL** – You will not have a meeting in March. We
26 moved the meeting in February to accommodate projects that were ready to go.
27 You will have a meeting in April. It is on the 14th, so get your taxes done early
28 and right now we have one item scheduled for that meeting. It is the Dark Sky
29 Ordinance, which is a follow-up to a Study Session you had with the City Council
30 last year, so we'll be bringing that forward for your review and recommendation
31 and I'm hopeful that we'll have maybe one or two other projects that are still
32 making their way to hearing.

33
34 **CHAIR DE JONG** – Okay thank you

35
36
37
38 **COMMISSIONER COMMENTS**

39
40 **COMMISSIONER GELLER** – I'll go last

41
42 **COMMISSIONER SALAS** – I'm sorry to see Commissioner Geller resign. I have
43 only worked with him a short time but I've learned a lot. I've learned to be vocal
44 and state your opinion, which I really appreciate and it was a pleasure working
45 with you.

1 **COMMISSIONER DOZIER** – Well Michael, after 14 years, I've appreciated your
2 candidness, your clarity and your experience. You'll be sorely missed and you've
3 contributed 14 years to the development of this City and there probably are more
4 projects around town that we can feel very, very good about because of some of
5 your input, so hats off to you and I hope you find something useful to do on these
6 evenings.

7
8 **COMMISSIONER GELLER** – No doubt

9
10 **CHAIR DE JONG** – Mike, I don't know what you are going to do on Thursday
11 evenings anymore, but...

12
13 **COMMISSIONER GELLER** – I can tell you what I won't be watching Planning
14 Commission on TV

15
16 **CHAIR DE JONG** – There you go... we're going to miss you. You've been quite
17 an asset. Fourteen years is a long time, so I very much appreciate your service.
18 We're going to miss you. Thank you.

19
20 **VICE CHAIR BAKER** – Yes Michael I want to extend my appreciation. You've
21 been a real help along the way, both to me personally and for the City and we
22 appreciate everything you've done for Moreno Valley and even before the 14
23 years on the Planning Commission, so good luck to you. I know you are going to
24 find plenty of stuff to do. You are a good friend and a colleague, okay, thank you.

25
26 **CHAIR DE JONG** – Your turn

27
28 **COMMISSIONER GELLER** – Okay, if you give me a little indulgence... This is
29 my last meeting of the Planning Commission from which I'll speak from the dais.
30 I want to say a few words to the members who will be remaining as well as a few
31 words of advice to those new members that will be entering service on the
32 Planning Commission. You know you all need to understand that in many ways
33 what we do on the Commission will have more impact on the future of the City
34 than even the City Council. While everything that the Commission does is
35 subject to review by the Council, most of the decisions of the Commission are
36 either upheld or not appealed.

37 In addition, the Commission has significant influence on what the City Council
38 does with regard to those items that aren't in our major jurisdiction area. You
39 know remember you are the Commission for the entire City of Moreno Valley; not
40 just a few vocal members of the public and lobby groups. You will be often called
41 to defy the majority of speakers to do what is best for the City as well as do what
42 is right. The Planning Commission should be a positive influence to development
43 and developers and not an impediment. That being said you are not here to give
44 away the store; standby you're reasonable requests and in some cases even
45 unreasonable requests. In nearly 14 years on the Commission I have made
46 some mistakes; sure, but I've never regretted a decision, including those that

1 were overturned by the City Council. I stand by my decisions and my votes and I
2 hope all you new members and the old members, when you do finally leave the
3 Commission will be able to say the same thing.

4
5 Beware of the wolves in sheep's clothing. There are forces in the City whose
6 agenda is to stop all development by all means possible. They'll use lies,
7 exaggerations and other falsehoods to try to stop any meaningful development.
8 If you are trying to approve houses, they'll say they are bad for the environment.
9 If you try to approve corporate offices they'll cause traffic; they are bad for the
10 environment. Moreno Valley has one of the highest unemployment rates in the
11 Inland Empire. We need jobs and job creating businesses. Many of the people
12 will tell you how evil these projects are. Many of them are retired public
13 employees collecting a pension at our taxpayer expense. They are not the ones
14 missing meals. They're not the ones whose houses are being foreclosed and
15 they're not the ones losing their houses. It is easy to be an armchair planner
16 when you don't have to take responsibility for the havoc you create. You know
17 we'll let Mr. Environmentalist come to the meetings and tell you the evils of the
18 projects; yet if you ask Mr. Environmentalist how large the solar system is at his
19 house, he'll look at you blankly. Ask him what kind of electric car he drives and
20 he'll also look at you blankly. Ask him what he has done for the environment?
21 You know it is real easy to spend other people's money, but look behind the
22 mask. Many of the people that come to speak against projects are nothing more
23 than hypocrites. They talk but they don't walk the walk and don't confuse
24 conservation with preservation. Preservation is an abject failure. We can
25 conserve much of our natural beauty and resources without stopping all
26 development. I have always been a conservationist but never a preservationist.

27
28 The developments that I have approved have conserved much of the natural
29 beauty and resources without totally destroying the rights of landowners. Owning
30 land is not a dirty word and if the preservationists really want to preserve Moreno
31 Valley, let them put their money where their mouths are and buy the land and
32 then they can do whatever they want with it. You know when it comes to
33 development we have a sacred duty to all the residents of the City along with all
34 the landowners to make the best decisions regarding the future of the City.
35 Planning Commission meetings aren't elections. We don't count the votes of the
36 speakers. Pay attention to the speakers. Give great deference to those that are
37 directly impacted by the project but also pay attention. There are real impacts
38 and perceived impacts. Claims that apartment complexes will bring in crime and
39 drug dealing and lower property values are perceived impacts. A commercial
40 development that abuts a residential housing tract, such as a project we originally
41 turned down had real impacts on real homeowners and I just hope that all of you
42 have the wisdom and strength to tell them apart and that you have the strength to
43 vote the right way, even if the vote is against the vocal majority.

44
45 It has been an interesting and exciting 14 years for me and Moreno Valley and I
46 look forward to serving the City but it will in a different capacity. And just a

1 special comment to John Terell who I have worked with the entire 14 years, this
2 is a sincere thank you and good luck. While I haven't always agreed with you, I
3 think we had mutual respect and that never got in the way of our working
4 relationship. And to all the former and present members of the Commission, a
5 thank you; I have worked with quite a few. And again we've had our differences,
6 but it has created a diverse and dynamic group and the best of luck to all and I'm
7 sorry that Maria is not here because I think this would have been her last meeting
8 also if she did not re-apply. I guess you are going to have to find someone else
9 to keep the Planning Commission TV ratings up, but I'll be gone. Anyway, thank
10 you all and good night.

11
12 **CHAIR DE JONG** – Good night; yes since your dog is not going to be here you
13 are right. Thank you, well said.

14
15
16

17 **ADJOURNMENT**

18
19 **CHAIR DE JONG** – Do we have a motion to close?

20
21 **COMMISSIONER GELLER** – I'll make the motion to adjourn for the last time for
22 me.

23
24 **COMMISSIONER DOZIER** - Second

25
26 **CHAIR DE JONG** – Good night Moreno Valley.

27
28
29
30

31 _____
32 John C. Terell
33 Planning Official

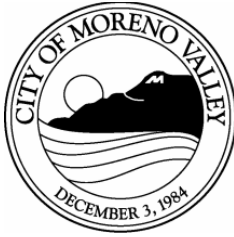
_____ Date

34
35
36
37 Approved

38
39 _____
40 Rick De Jong
41 Chair

_____ Date

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**PLANNING COMMISSION
STAFF REPORT**

Case(s): PA07-0129 (Tentative Tract Map No. 35606)
Date: April 14, 2011
Applicant: Kenney Kha
Representative: Cal Engineering
Location: Metric Drive, west of Perris Boulevard and east of Hubbard Street
Council District: 1
Recommendation: Approval

SUMMARY

Tentative Tract Map 35606 is a proposal for a 16 single-family residential lot subdivision on 4.8 acres. Lot sizes will range from 7,377 square feet to 12,724 square feet. The current zoning and General Plan designations for the parcel are Residential 5 (R5), which permit the use and density requested. The proposed subdivision meets or exceeds all requirements of the Residential 5 (R5) zoning district.

PROJECT OVERVIEW

The applicant is proposing to subdivide 4.8 acres (APN: 475-150-003) into 16 residential lots, which requires a Tentative Tract Map for approval. The current zoning and General Plan designations for the parcel are Residential 5 (R5), which permits the use and density requested.

Site/Surrounding Area

The proposed tract is at the east end of Metric Drive. The project site is in an area that is zoned predominately Single-Family Residential (R-5) with some Residential Agriculture (RA-2) and North Ridge Elementary School (P) located to the east of Perris Boulevard and older homes on larger lots, roughly half-acre, line Tranquil Way to the southwest. There is an approved twelve lot (12) subdivision (Tentative Tract Map 31621 - PA03-0100) directly south of the project.

Access/Parking

Primary access to the proposed tract will be from Hubbard Street in the west to Metric Drive. The proposed tract provides for future extension to the south, connecting Metric Drive to Tranquil Way via the proposed Thomas Way.

Pedestrian access to Perris Boulevard from Metric Drive is provided between proposed Lot 8 and 9 (along the eastern property line). The walkway will provide a safe and direct route for students to access North Ridge Elementary School, which is located on the east side of Perris Boulevard.

Each lot, when developed, will be required to meet the parking standards for a single-family residence, which requires a minimum two (2) car garage to meet the off-street parking requirements of the Municipal Code. Additional permitted parking would be located within oversized garages, driveways and along public residential streets.

Design

This project is an infill site that will finish out the balance of tract development within the surrounding area at the R-5 standard. The design of the proposed single-family residential lot tract is in conformance with the Residential 5 District (R5) zone design standards of the City. Tentative Tract Map Number 35606, as proposed, will subdivide the 4.8 acres into 16 single-family residential lots. The lot sizes will range 7,377 square feet to 12,724 square feet, all in excess of the minimum requirement of 7,200 square feet. The average lot size for the tract is around 9,615 square feet. The density for this tract is 3.3 dwelling units per acre, well below the maximum permitted density of 5 dwelling units per acre.

This review and approval process only involves a tentative tract map application for the new subdivision. No specific homes are proposed for the tract at this time. The future single-family homes for the tract will be reviewed under a separate administrative process, either a model home complex or individual custom home applications. At that time, staff will ensure that the proposed residential units meet the City's design standards.

The walls and fences for this tract are conditioned to be consistent with the provisions for walls and fences within the City's Municipal Code. Decorative block walls are required in the street side yards of all corner lots, as well as along the easterly boundary of the tract facing Perris Boulevard. Wood fences are permitted for all interior side yards and rear yards not visible from the public right-of-way.

The pedestrian connector cuts between Lots 8 and 9, creating reverse frontage along Perris Boulevard. The reverse frontage is considered "lot side yards" and will be maintained by future residents. The applicant was requested to minimize the need for slopes and retaining walls by lower grades closer to existing, which they adequately addressed. The tract layout and proposed grading is design to work with the previously approved tract to the south (PA03-0100 – TTM 31621).

REVIEW PROCESS

The application for the project was submitted on October 25, 2007, and was initially reviewed by staff at the December 12, 2007, Pre-Project Review Staff Committee (PRSC) meeting. Subsequently, staff has been working with the applicant's representative on a series of revisions to the plan, primarily relating to ensuring grading that coordinated well with existing and proposed development around the tract. All issues have been resolved.

ENVIRONMENTAL

This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15315 (Minor Land Divisions).

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 one inquiry in response to the noticing for this project. The resident came by City Hall to review the tract map and responded positively to the site design and provided pedestrian access.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

APPROVE Resolution No. 2011-12 and thereby:

1. **RECOGNIZE** that PA07-0129 (Tentative Tract Map 35606) qualifies as an exemption in accordance with CEQA Guidelines, Section 15332, as conditioned, will not result in significant environmental impacts; and,
2. **APPROVE** PA07-0129 (Tentative Tract Map 35606) based on the findings in the Resolution and the Conditions of Approval to the resolution.

Prepared by:

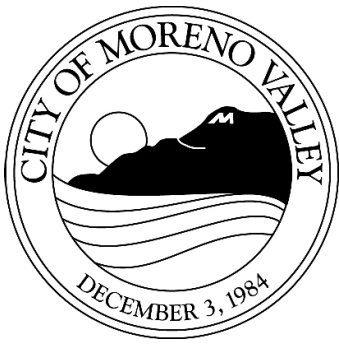
Approved by:

Claudia Manrique
Associate Planner

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-12 with Conditions of Approval attached as Exhibit A
3. Zoning Map
4. Aerial Photograph
5. Site Plan for Tentative Tract Map 35606 – Sheet 1
6. Site Plan for Tentative Tract Map 35606 – Sheet 2



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: PA07-0129 (Tentative Tract Map)

APPLICANT: Cal Engineering

OWNER: Kenney Kha

REPRESENTATIVE: Cal Engineering

LOCATION: Metric Dr, west of Perris Blvd and east of Hubbard St (just north of Tranquil Way)

PROPOSAL: Tentative Tract Map 35606 is a proposal for a 16 single-family residential lot subdivision on 4.8 acres. Lot sizes will range from 7,377 square feet to 12,724 square feet. The project is zoned Residential 5 (R5).

ENVIRONMENTAL DETERMINATION: This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15315 (Minor Land Divisions).

COUNCIL DISTRICT: 1

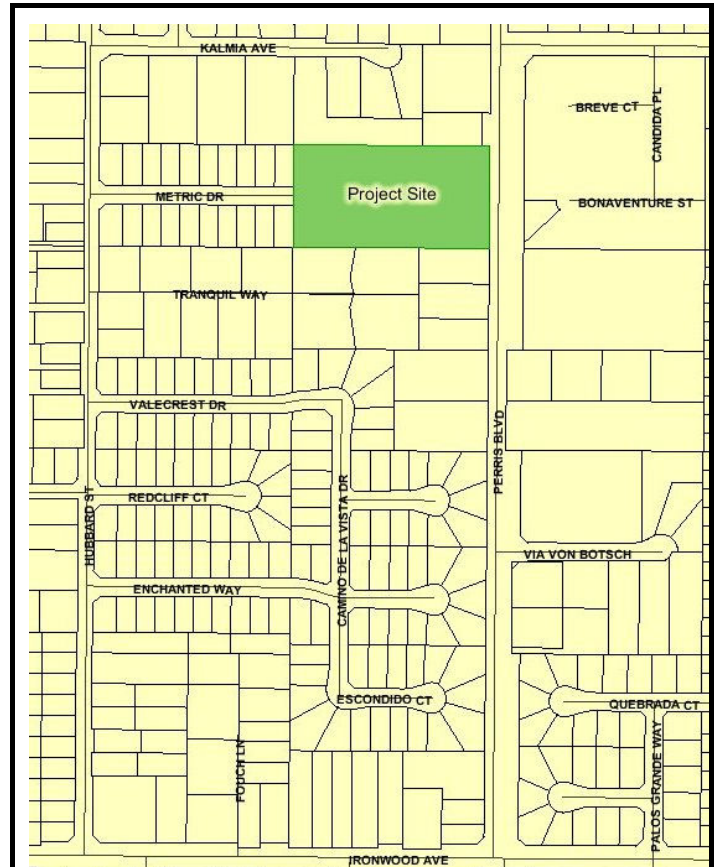
STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) 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: April 14, 2011 at 7 PM

CONTACT PLANNER: Claudia Manrique

PHONE: (951) 413-3225

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PLANNING COMMISSION RESOLUTION NO. 2011-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE PLANNING COMMISSION APPROVE PA07-0129 (TENTATIVE TRACT MAP 35606). THE TENTATIVE TRACT MAP WILL SUBDIVIDE ONE 4.8 ACRE PARCEL (APN: 475-150-003) INTO 16 SINGLE-FAMILY RESIDENTIAL LOTS. THE PROJECT IS LOCATED ON METRIC WAY, EAST OF HUBBARD STREET AND WEST OF PERRIS BOULEVARD.

WHEREAS, the applicant, Kenny Kha, has filed an application for the approval of PA07-0129, requesting approval of Tentative Tract Map 35606 as described in the title of this resolution.

WHEREAS, on April 14, 2011, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and all of the environmental documentation prepared for the project.

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 April 14, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
 1. That the proposed land division is consistent with applicable general and specific plans;

Attachment 2

FACT: This project (Tentative Tract Map 35606) is an infill site that will finish out the balance of tract development within the surrounding area at the R-5 standard. The design of the proposed single-family residential lot tract is in conformance with the Residential 5 District (R5) zone design standards of the City. Tentative Tract Map Number 35606, as proposed, will subdivide the 4.8 acres into 16 single-family residential lots. The lot sizes will range 7,377 square feet to 12,724 square feet. The average lot size for the tract is around 9,615 square feet. The density for this tract is 3.3 dwelling units per acre.

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

FACT: This project (Tentative Tract Map 35606) is an infill site that will finish out the balance of tract development within the surrounding area at the R-5 standard. The design of the proposed single-family residential lot tract is in conformance with the Residential 5 District (R5) zone design standards of the City. Tentative Tract Map Number 35606, as proposed, will subdivide the 4.8 acres into 16 single-family residential lots. The lot sizes will range 7,377 square feet to 12,724 square feet. The average lot size for the tract is around 9,615 square feet. The density for this tract is 3.3 dwelling units per acre.

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

FACT: The proposed Tentative Tract Map 35606 will not adversely affect the public health, safety or general welfare. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15315 (Minor Land Divisions).

4. That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems;

FACT: The proposed project would not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the surrounding. As conditioned, the proposed

land division would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the parcels. There are no known hazardous conditions associated with the property, the design of the land division or type of improvements.

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

FACT: There are no existing easements on the subject site acquired by the public for access through or use of the property.

Pedestrian access to Perris Boulevard from Metric Way will be provided between proposed Lot 8 and 9 (along the eastern property line). The walkway from Metric Way will provide a safe way for students to access North Ridge Elementary School, which is located on the east side of Perris Boulevard.

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

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.

7. That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The 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 will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, future residents will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo 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 PA07-0129, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY**

APPROVE Resolution No. 2011-12, recommending that the Planning Commission:

1. **RECOGNIZE** that the Tentative Tract Map 35606 qualifies as an exemption in accordance with CEQA Guidelines, Section 15332, as conditioned, will not result in significant environmental impacts; and
2. **APPROVE** Resolution No. 2011-12 approving PA07-0129 (Tentative Tract Map 35606) based on the findings in the Resolution and the Conditions of Approval to the resolution.

APPROVED this 14th day of April, 2011.

Ray L. Baker
Chair, Planning Commission

ATTEST:

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

APPROVED AS TO FORM:

City Attorney

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**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
FOR
TENTATIVE TRACT MAP 35606
Case No: PA07-0129
A.P.N.: 475-150-003**

**Approval Date: April 14, 2011
Expiration Date: April 14, 2014**

The following conditions are attached for the following departments:

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

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply)

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

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

Exhibit A

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 | |

FINAL CONDITIONS OF APPROVAL

PA07-0129

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- 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. **All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval. Reverse frontage along Perris Boulevard (Lots 8 and 9) will be landscaped as side-yards, with the correct amount of street trees.**
- P8. **A separate model home complex or custom home review application(s) for each lot (an administrative process) is required for approval of the design of the future single-family homes.**

PRIOR TO GRADING

- P9. (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 all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director or designee. (GP Objective 4.4, 4.5, DG)
- P10. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P11. (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)

FINAL CONDITIONS OF APPROVAL

PA07-0129

Page 3

P12. (GP) Prior to approval of precise grading plan, final front and street side yard landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees.

P13. (GP) 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).

P14. (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.

P15. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:**

A. Side and rear yard fences/walls (not adjacent to a right of way) are required to be constructed of decorative block, poly-vinyl or wood.

B. A solid decorative block wall with pilasters and a cap is required along the perimeter of the tract adjacent to any right of way or reverse frontage location (Lots 8 and 9) and along any right of way within the interior of the tract (all corner lots - Lots 11 and 13). (MC 9.08.070)

PRIOR TO RECORDATION OF FINAL MAP

P17. (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)

PRIOR TO BUILDING PERMIT

P18. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P19. (BP) Prior to issuance of building permits, final front and street side yard landscape and irrigation plans, and slope landscape plans and basin landscape plans, shall be approved.

PRIOR TO CERTIFICATE OF OCCUPANCY

P20. **(CO) Prior to the issuance of Certificates of Occupancy or building final, slope landscape and irrigation shall be installed. Reverse frontage along Perris Boulevard (Lots 8 and 9) will be landscaped as side-yards, with the correct amount of street trees. Landscaping on lots not yet having dwelling units shall be maintained by the developer weed and disease free. (MC 9.03.040)**

P21. **(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)**

Building and Safety Division

B-1 The above 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 Department as a separate submittal.

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- B-2 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 Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time (*applies only to commercial, industrial, and multi-family projects*).
- B-3 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 Department.
- B-4 (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed “Waste Management Plan” (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

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)

FIRE PREVENTION BUREAU

1. This project will require fire sprinklers to be installed. 903.2.8

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. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6" x 4" x 2 ½") 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).
- F3. 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)
- 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. 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)

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- F7. 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)
- 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. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)
- F14. 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)
- F15. 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)
- F16. 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.

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- F17. 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)
- F18. 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)
- F19. 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)
- F20. 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.
- F21. 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)
- F22. 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)
- F23. 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)
- F24. 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)

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- F25. 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)
- F26. 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)
- F27. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F28. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

**CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0129 / TTM 35606 – Sixteen Lot Subdivision
APN 475-150-003**

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) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the **tentative map** correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

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- LD4. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

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

- LD6. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD7. (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

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accordance to City Standard No. 303 independent of adjacent lots. No over the sidewalk drainage shall be allowed, all drainage shall be directed to a driveway or drainage devices located outside the right-of-way. (MC 9.14.110)

- LD8. (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.
- LD9. (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

- LD10. (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.
- LD11. (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.

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- 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.
- LD12. (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.
- LD13. (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.
- LD14. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD15. (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.
- LD16. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
- LD17. (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.
- LD18. (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)

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LD19. (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.

LD20. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

LD21. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD22. (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.

LD23. (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.

LD24. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (**NPDES**) as mandated by the Federal Clean Water Act. Following are the requirements:

- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
 - ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.

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- b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD25. (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

LD26. (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.

LD27. (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)

LD28. (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.

LD29. (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.

LD30. (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)

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- 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.
- LD31. (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.
- LD32. (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)
- LD33. (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)
- LD34. (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)
- LD35. (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.

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LD36. (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.

LD37. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD38. (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)

LD39. (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.

LD40. (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

LD41. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD42. (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, and traffic control devices as appropriate.
- b. City-owned utilities.
- c. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
- d. Under grounding of existing and proposed utility lines less than 115,000 volts.

LD43. (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)

LD44. (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.

Prior to Acceptance of Streets into the City Maintained Road System

LD45. (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

- LD46.** Prior to rough grading plan approval, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of the top or toe of slope. If the vertical height of the slope exceeds 10 feet, this set-back area shall be 3 feet minimum.
- LD47.** Prior to rough grading plan approval, the developer shall obtain an offsite slope and grading easement from the adjacent property owner to the south for the offsite slope grading required. The slope grading shall match the contours of the adjacent property for whichever project develops first.
- LD48.** Prior to rough grading plan approval, the plans shall clearly demonstrate that all interior streets shall have a minimum slope of 1.0%. A proposed slope of less than 1.0% may be approved only when engineering design shows that local drainage provisions are adequate and steeper gradients cannot be obtained, as supported by a submitted engineered design and approved by the City Engineer.
- LD49.** Prior to rough and/or precise grading plan approval, the plans shall show an approved concrete drainage ditch along retaining walls where slopes and walls meet. The concrete drainage ditch shall convey slope runoff to proposed drain inlets. A private drainage easement will be required for the concrete drainage ditch across Lots 9, 10, and 12.
- LD50.** 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 The developer shall first maximize the use of site design and source control best management practices before selecting treatment control best management practices.

LD51. Prior to approval of the final map, the map shall show the following:

- a. A 25-foot street right-of-way dedication on the west side of Perris Boulevard along map frontage for a Divided Arterial 6-Lane, City Standard No. 103C.**
- b. A 56-foot street right-of-way dedication for Metric Drive, Short Local Street, City Standard No. 108B.**
- c. A 60-foot street right-of-way dedication for Thomas Way, Local Street, City Standard No. 108A.**
- d. The appropriate street right-of-way dedication for a cul-de-sac at the eastern terminus of Metric Drive per City Standard Plan 123.**
- e. The appropriate street right-of-way for corner cutbacks at the intersection of Metric Drive and Thomas Way per City Standard 208.**
- f. A private drainage easement across Lots 9, 10, and 12 as shown on the tentative tract map.**
- g. A pedestrian access easement from the end of the Metric Drive cul-de-sac to the proposed Perris Boulevard right-of-way in alignment with a proposed sidewalk access.**

LD52. Prior to final map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer. Proposed street grades shall be coordinated with existing street grades of existing and proposed developments adjacent to the project as is shown on the tentative tract map.

- a. Perris Boulevard, Divide Arterial, City Standard No. 103C (110-foot RW / 86-foot CC) construction shall include construction of an asphalt concrete sidewalk along existing back of curb along map frontage or other limit required by the City Engineer. The developer shall construct a connecting sidewalk path from the end of the Metric Drive cul-de-sac to the proposed asphalt concrete sidewalk along Perris Boulevard. The proposed sidewalk path and stairs within the map boundary shall be constructed of portland cement concrete. The developer will be required to underground overhead utilities less than 115 kilovolts on the west side of Perris Boulevard along the map frontage.**

- b. Metric Drive, Short Local Street, City Standard No. 108B (56-foot RW / 36-foot CC) shall be constructed to full-width within the map boundary. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, street lights, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, and dry and wet utilities.**
- c. Thomas Way, Local Street, City Standard No. 108A (60-foot RW / 40-foot CC) shall be constructed to full-width within the map boundary. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, street lights, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, and dry and wet utilities.**

LD53. 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 9.14.130 of the City Municipal Code.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0129 (TTM 35606-16 SFDs)
APN: 475-150-003
02.02.11 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 **PA07-0129**; 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 Any damage to existing landscape areas maintained by the Moreno Valley Community Services District 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.

Prior to Recordation of Final Map

- SD-3 (R) This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. In order for the Developer to meet the financial responsibilities to fund the defined maintenance, one of the following options shall be selected:

- a. Participate in a special election for annexation into **Community Facilities District No. 1**; or
- b. Establish an endowment to cover future maintenance costs for new neighborhood parks.

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. (California Government Code, GP Chapter 2.7)

SD-4 (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-5 (R) This project is conditioned to provide a funding source for the capital improvements, energy charges, and maintenance for residential street lighting. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

- a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone B** (Residential Street Lighting), and pay all associated costs with the ballot process; or
- b. Establish a Home Owners Association (HOA) to maintain the residential streetlights; or
- c. Establish an endowment to cover future maintenance costs for the residential streetlights.

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-6 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **future Perris Blvd.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:
- a. Participate in a mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone D**, and pay all associated costs with the ballot process; or
 - b. Establish an endowment to cover the future 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-7 *Residential* (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, system evaluations and enhancements, remediation and/or replacement, 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. (California Government Code)

- SD-8 (R) Prior to recordation of the final map, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division. **For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

Prior to Certificate of Occupancy

- SD-9 (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

FINAL CONDITIONS OF APPROVAL

PA07-0129

Page 26

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-10 (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

- SD-11 (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.

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PA07-0129**

Tentative Tract Map 35606, a proposed 16 lot subdivision on 4.8 acres in an R5 zone located on Metric Drive, east of Hubbard Street and west of Perris Boulevard.

PUBLIC WORKS DEPARTMENT

Transportation Engineering Division

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

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

GENERAL CONDITIONS

- TE1. Metric Drive is classified as a Modified General Local Street (60'RW/36'CC).**
- TE2. Thomas Way is classified as a General Local Street (60'RW/40'CC) per City Standard Plan No. 108A.**
- TE3. Perris Boulevard is classified as a Modified Divided Arterial (110'RW/86'CC) per City Standard No. 103C. Capital Projects Division currently has initiated a project to improve Perris Boulevard. This project shall coordinate with City Project 11-415-70225.**
- TE4. The cul-de-sac shall be designed and constructed per City Standard No. 123 or 124.
- TE7. During construction activity, developer is responsible for regularly scheduled street sweeping per approved street sweeping schedule. Failure to provide regularly scheduled street sweeping during construction activity at the approved times shall result in re-inspection fees (amounts to be determined by City Engineer) and/or project suspension until street sweeping is provided.
- TE8. Sight distance at all proposed streets and driveways shall conform to City of Moreno Valley Standard No. 125 & 126 at the time of preparation of final grading, landscape, and street improvement plans.

FINAL CONDITIONS OF APPROVAL

PA07-0129

Page 28

TE9. All driveways will conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City of Moreno Valley Standard No. 117 for residential driveway approach.

TE10. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE11. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider. Signing and Striping Plans shall be prepared for all streets (including General Local Street, Short Local Street, Minor Local Street, and Hillside Residential Street) to include provisions for Street Sweeping during construction activity. Street Sweeping signs coordinated with City of Moreno Valley Street Sweeping schedules shall be included in the Signing and Striping Plans, or as approved by the City Engineer.

TE12. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person.

TE13. Prior to the commencement of construction activity, construction traffic control plans prepared by a Registered Civil or Traffic engineer may be required to be submitted to the City for plan approval.

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE15. (CO) If there is no sidewalk along Perris Boulevard at the time of developing this tract, a sidewalk shall be installed along the west side of Perris Boulevard from this tract to the intersection of Perris Boulevard/Kalmia Street.

TE16. (CO) If this tract develops prior to Tract 31621, then prior to final inspection, Metal Beam Guard Railing per City Standard Plan No. 413A and 413B shall be installed at the following location, or as approved by the City Engineer:

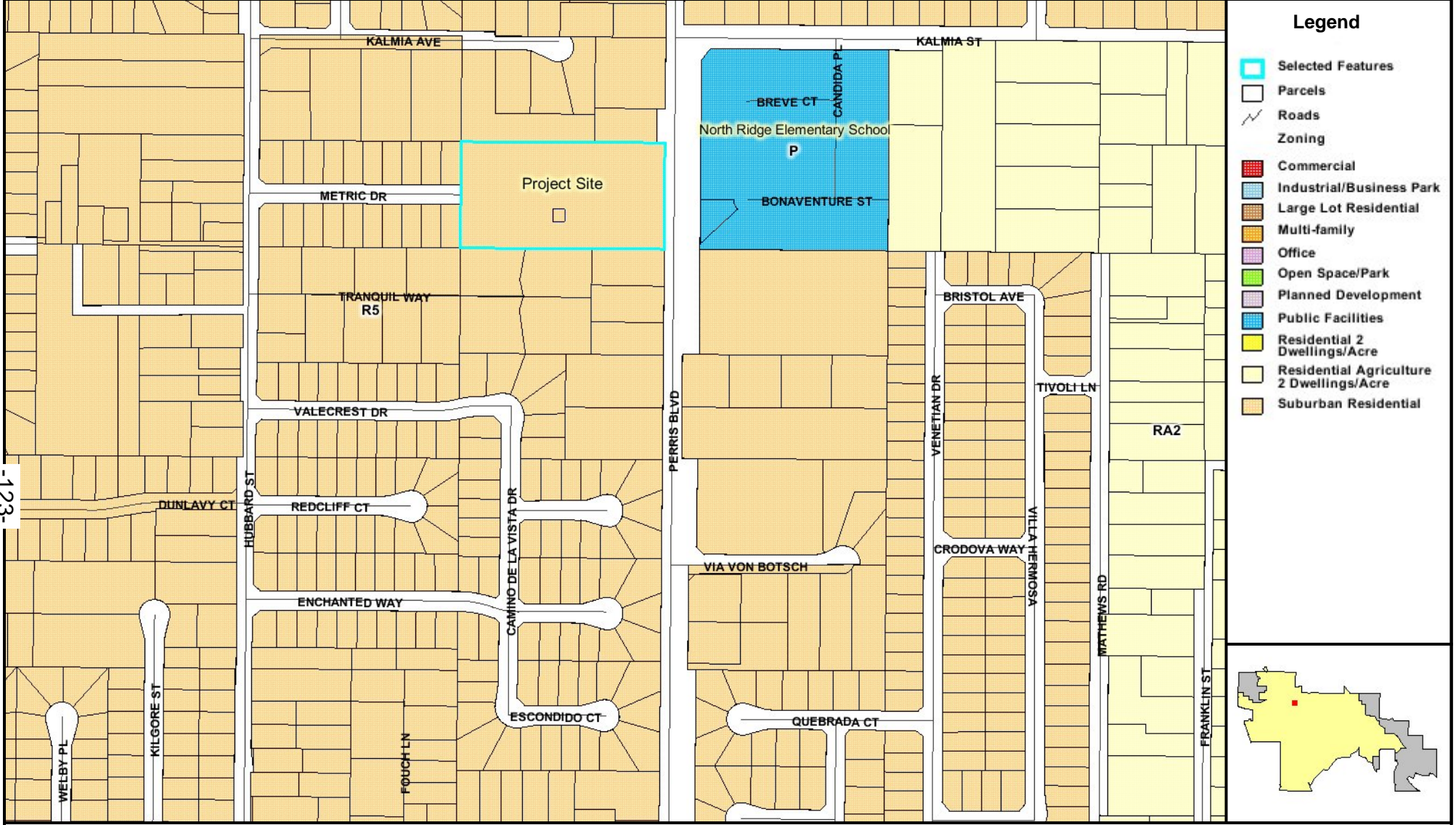
- **Terminus of Thomas Way at the southerly property boundary**

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

TE17. Prior to the sign-off of final inspection of the street improvements, all approved signing and striping shall be installed per current City Standards and the approved plans.

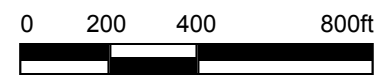
Zoning

PA07-0129 (TTM 35606)



City of Moreno Valley
 14177 Frederick Street
 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.



Powered By GeoSmart.net

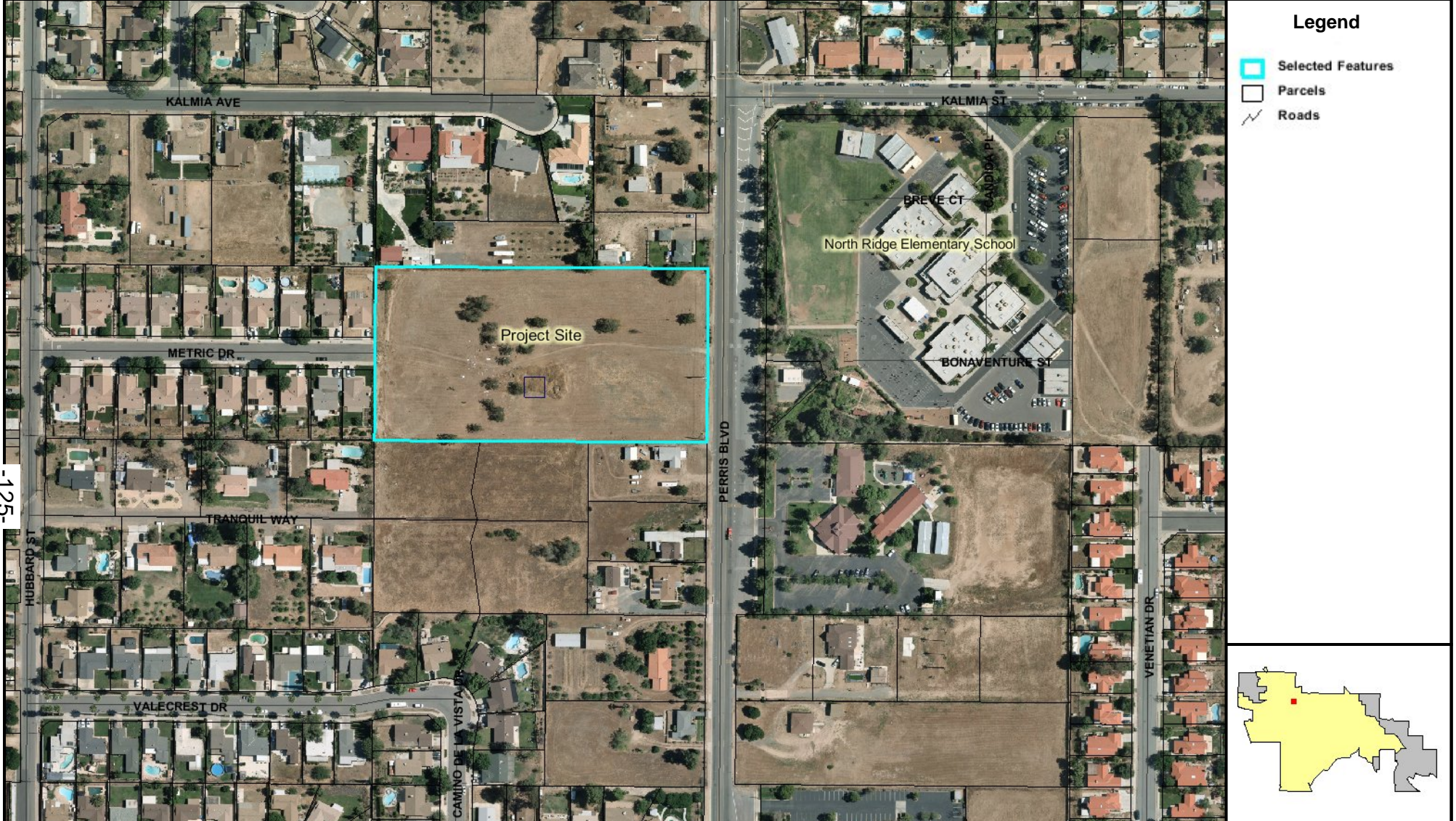
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Aerial Photograph

PA07-0129 (TTM 35606)



-125-

City of Moreno Valley
14177 Frederick Street
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.



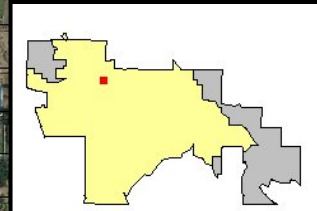
Attachment 4

0 100 200 400ft



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TENTATIVE TRACT MAP NO. 35606

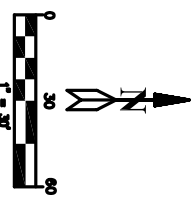
IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

APN: 475-150-003

FOR SUBDIVISION PURPOSES

APN: 475-150-003

FOR SUBDIVISION PURPOSES



OWNER: RMA, KENNETH RMA, 15298 MT. LANGLEY STREET, FOUNTAIN VALLEY, CA 92708
 TEL: (714) 953-2114
 FAX: (714) 578-1141

LEGAL DESCRIPTION: LOT 40 OF MORENO ACRES, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 53 OF MAPS, IN THE COUNTY RECORDER OFFICE OF SAID COUNTY.

LEGENDS AND ABBREVIATIONS:

- TC..... TOP OF CURB
- FL..... FLOW LINE SURFACE
- FS..... FLOW LINE SURFACE
- EX..... EXISTING
- R/W..... RIGHT OF WAY
- CL..... CENTER LINE
- EL..... EXISTING ELEVATION
- IN..... INVERT ELEVATION
- CONC..... CONCRETE
- CAST IRON DRAIN PIPE

LEGENDS AND ABBREVIATIONS:

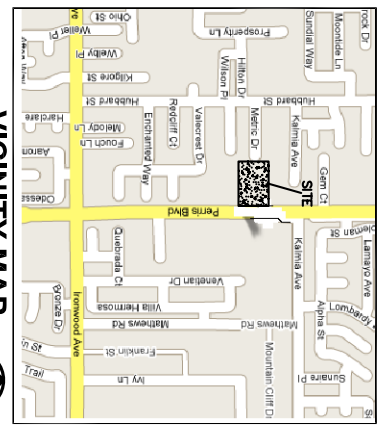
- TC..... TOP OF CURB
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- EL..... EXISTING ELEVATION
- IN..... INVERT ELEVATION
- CONC..... CONCRETE
- CAST IRON DRAIN PIPE

CHANGE DATA

| NO. | DATE | LENGTH | PIECE | INVEST |
|-----|----------|--------|-------|--------|
| C1 | 12/26/11 | 60.99 | 772 | 30.88 |
| C2 | 07/24/11 | 9.02 | 326 | 4.51 |
| C3 | 07/24/11 | 64.88 | 326 | 32.53 |
| C4 | 07/24/11 | 28.48 | 100 | 14.55 |
| C5 | 07/24/11 | 7.01 | 48 | 4.01 |
| C6 | 07/24/11 | 7.01 | 48 | 4.01 |
| C7 | 07/24/11 | 4.50 | 48 | 3.01 |
| C8 | 07/24/11 | 4.50 | 48 | 3.01 |
| C9 | 07/24/11 | 14.51 | 100 | 10.58 |
| C10 | 07/24/11 | 14.51 | 100 | 7.27 |
| C11 | 07/24/11 | 13.97 | 100 | 7.00 |
| C12 | 11/29/10 | 56.88 | 272 | 28.54 |
| C13 | 07/27/10 | 2.18 | 772 | 1.09 |
| C14 | 12/23/10 | 73.81 | 326 | 37.08 |

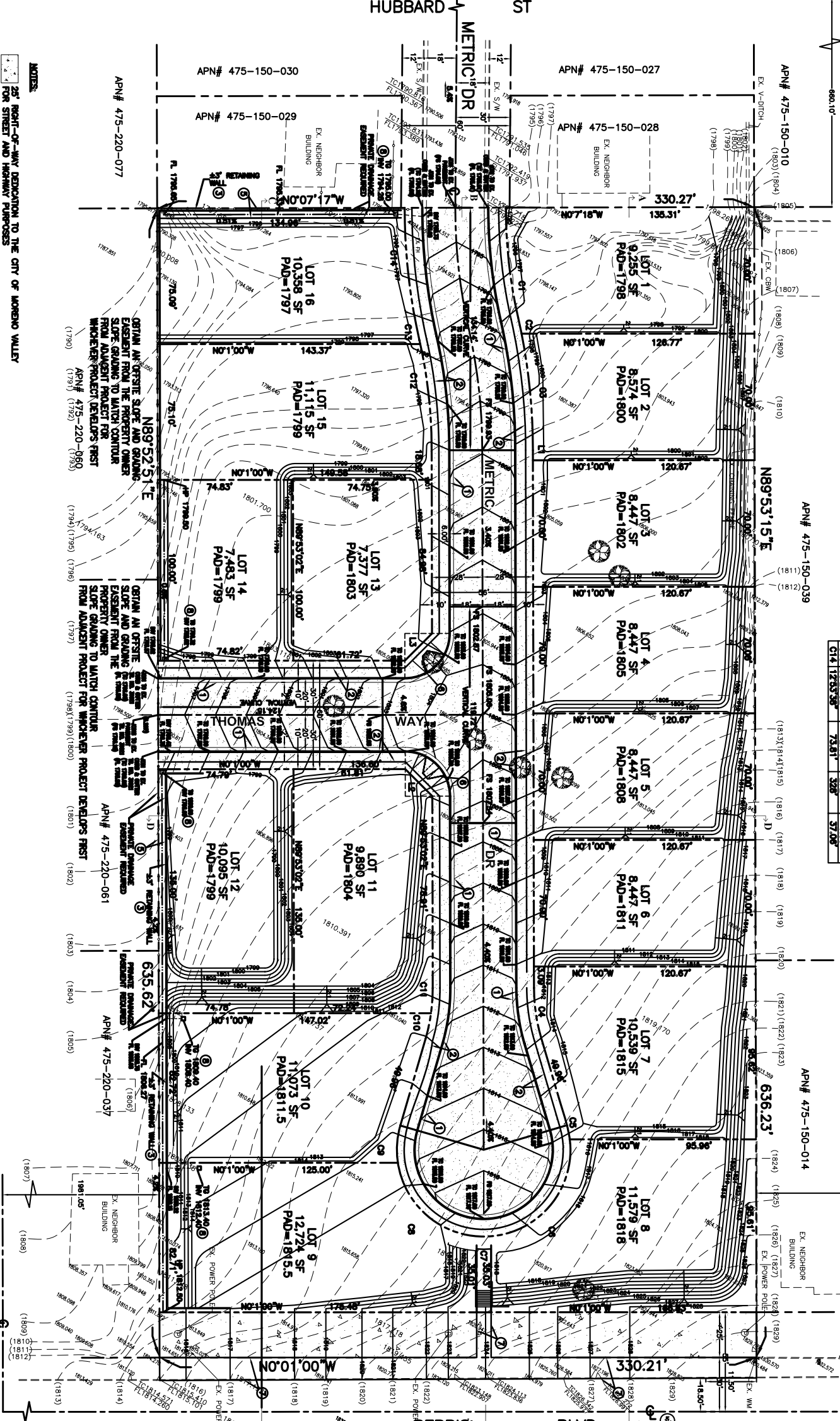
LINE DATA

| NO. | BEARING | LENGTH |
|-----|-------------|--------|
| 1 | N89°53'02"E | 6.56' |
| 2 | N87°58'01"E | 21.18' |
| 3 | N87°03'59"W | 21.23' |



VICINITY MAP
N.T.S.

- CONSTRUCTION NOTES:**
- 1 PROPOSED TYPE 8 INTERPOL CURB AND GUTTER PER CITY STANDARD PLAN NO. 200
 - 2 PROPOSED P.C.C. 6" WIDE SIDEWALK PER CITY STANDARD PLAN NO. 210
 - 3 PROPOSED RETAINING WALL PER SEPARATE PERMIT
 - 4 PROPOSED CUL-DE-SAC PER CITY STANDARD PLAN NO. 123
 - 5 PROPOSED CONCRETE V-DITCH
 - 6 PROPOSED ACCESS PUMP TYPE 1 PER CITY STANDARD PLAN NO. 214A
 - 7 PROPOSED TEMP. AC SIDEWALK
 - 8 PROPOSED CATCH BASIN



NOTES:

- 1 SEE RIGHT-OF-WAY DEDICATION TO THE CITY OF MORENO VALLEY
- 2 SEE OR GO RIGHT-OF-WAY DEDICATION TO THE CITY OF MORENO VALLEY FOR STREET AND HIGHWAY PURPOSES

APN# 475-150-030
 APN# 475-150-029
 APN# 475-150-027
 APN# 475-150-028
 APN# 475-150-010
 APN# 475-220-077
 APN# 475-220-061
 APN# 475-220-037
 APN# 475-220-014
 APN# 475-150-014
 APN# 475-150-039

REGISTERED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA
 JACK C. LEE
 No. 8800
 Exp. 03/31/11
 PA07-0129

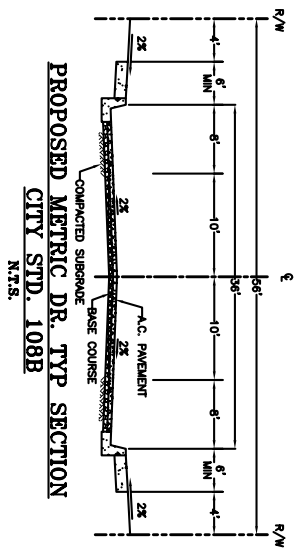
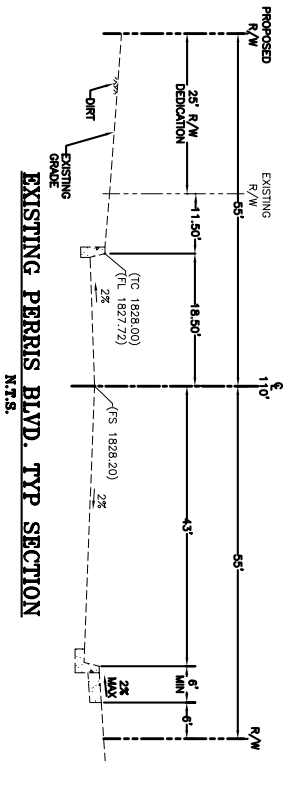
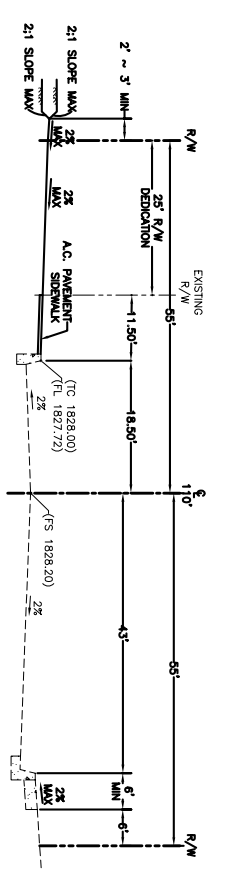
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 11581 PERRIS BLVD,
 MORENO VALLEY, CA

DATE: 07/13/2011
 JOB NO.: 07-188-002
 SCALE: 1"=30'
 FILE NAME:

PROJECT LOCATION:
 11581 PERRIS BLVD,
 MORENO VALLEY, CA

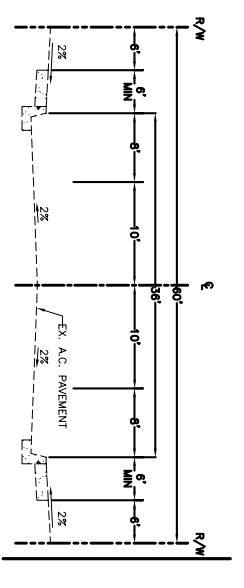
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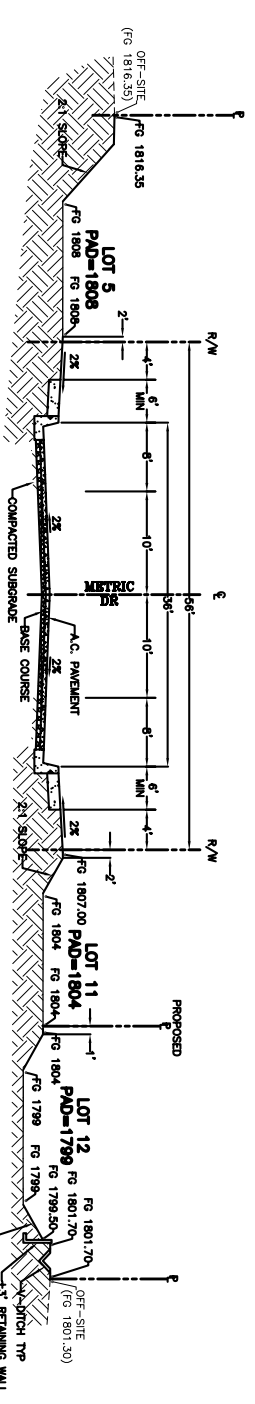
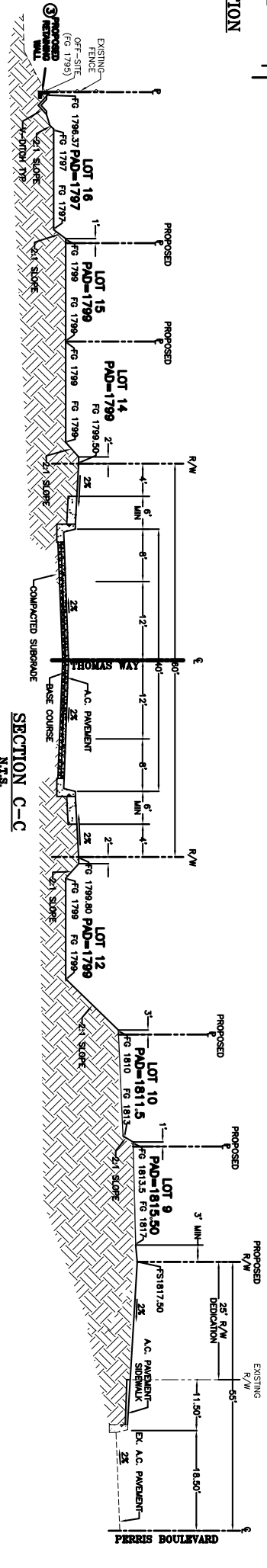
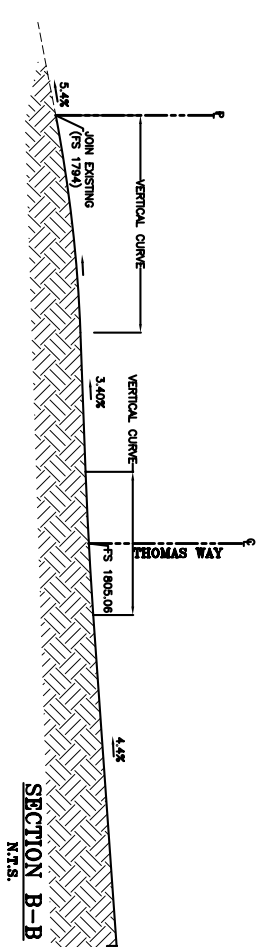
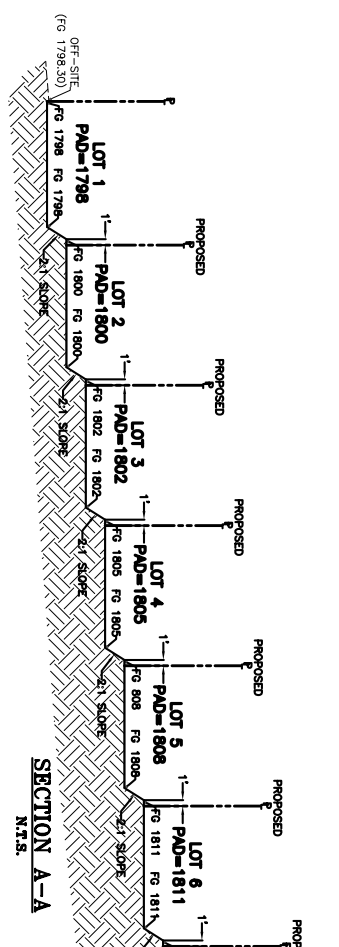


**PROPOSED PERRIS BLVD. TYP SECTION
(FUTURE CITY STD. 103C)
N.T.S.**

**PROPOSED THOMAS WAY TYP SECTION
(CITY STD. 108A)
N.T.S.**



**EXISTING METRIC DR. TYP SECTION
WEST OF TTM 35606
N.T.S.**



**SECTION D-D
N.T.S.**

Attachment 6



PROJECT LOCATION:
11581 PERRIS BLVD,
MORENO VALLEY, CA

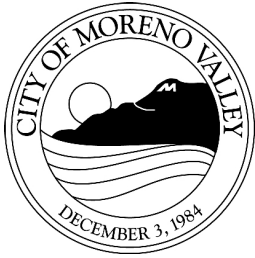
DATE: 07/13/2011
JOB NO.: 07-188-002
SCALE:
FILE NAME:

DRAWN: SP
CHECKED:
RELEASED

REVISIONS

PA07-0129
SHEET 2 OF 2

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PLANNING COMMISSION STAFF REPORT

Case: PA10-0022

Date: April 14, 2011

Applicant: City of Moreno Valley

Representative: Same as above

Location: Citywide

Proposal: Revision of Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general site, street and athletic field/park lighting citywide.

Redevelopment Area: N/A

Recommendation: Recommend ordinance amendment to City Council

SUMMARY

The Planning Division of the City of Moreno Valley proposes modifications to various sections of Title 9 of the Municipal code to refine existing lighting standards to provide for better viewing of the night sky ("dark sky"). The amendment proposes modifications to onsite, athletic field/park and street lighting to minimize light pollution and trespass. All newly establish developments citywide will be subject to the proposed revisions to the code.

BACKGROUND

At the October 20, 2009, Study Session, the City Council provided direction to review the City's lighting standards based on the International Dark-Sky Association (IDA) recommendations and dark sky ordinances from other communities. This review was identified in the Settlement Agreement between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project. The review also reflects previous development review projects located within the rural and hillside residential areas within the north and east portions of the City.

The underlying principles of the proposed lighting standards/dark sky ordinance are to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night sky;
- Curtail and reverse degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

Based on information from the IDA, the assumption that more light always results in better safety and security is not supported. Only the right amount of light, in the right place, at the right time should be necessary. In most instances, providing more light or creating bright areas often leads to glare and reduced visibility as well as wasted light and energy. The IDA recommendations call for the use of the lowest feasible wattage lamp. The maximum wattage recommended for most commercial applications is 250 watts of high intensity discharge lighting.

The current City Municipal Code includes provisions to curb on-site lighting. The Municipal Code requires that "lighting shall be adequate to help ensure a safe environment, but not cause excessive glare or intense light." All non-residential lighting is required to be shielded to avoid glare and prevent light spillage over property lines or into the public right of way. The lighting at property lines is limited to a maximum of 0.5 foot candle. The minimum lighting required in parking lots, pedestrian walkways and other areas accessible to the general public is 1 foot-candle and the maximum is 8 foot-candle to provide adequate nighttime visibility without creating excessive glare. Lighting standards are verified by a review of a point by point lighting plan showing the foot-candle lighting for closely spaced points across a site based on the fixtures proposed for the on-site use. Residential lighting is limited to twelve feet in height, below the typical eave line for a house. Finally, the stated intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are an inherently characteristic of hillside areas.

PROJECT ANALYSIS

In order to comply with the direction provided by the City Council at their October 20, 2009 Study Session meeting and the Settlement Agreement between the Sierra Club, Highland Fairview and the City of Moreno Valley, staff is presenting the Planning Commission with revised Municipal Code standards for lighting. Staff has included specific updated standards relating to onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields.

Research conducted by the Planning Division found that very few cities had adopted dark sky ordinances. For example, surrounding cities such as Riverside, Perris and Redlands did not have adopted dark sky ordinances. The majority of the cities who have adopted dark sky ordinances were found to be more rural, desert and tourist areas where climate conditions more easily allow the viewing of the stars and night sky. While the Settlement Agreement specifically identified consideration of standards from the City of Palm Desert, staff also reviewed ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas and San Diego and other cities, and the IDA recommendations.

Based on the review of existing Municipal Code standards and other communities dark sky ordinances, staff has proposed updated standards in Attachment 3 of this report. Many of the standards in the existing ordinance were used; however a number of items from IDA recommendations and ordinances such as Palm Desert's were utilized to incorporate dark sky practices. The major modifications to the existing lighting ordinance include:

- Revised development and performance standards to include maximum wattage for light bulbs on single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);
- All lighting designed with full cutoffs to fully shield light fixtures on residential-multiple family and all non-residential properties.
- A further reduction of permitted light trespass or spillover lighting onto adjacent properties for all non-residential (commercial and industrial) and multi-family residential properties to a maximum of 0.25 foot candle maintained lighting measured from within five (5) feet of any property line. The existing City standard is 0.50 foot candle. The revised standard is consistent with language provided within the Palm Desert Ordinance.
- The inclusion of lighting height limits on hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet. Non-residential lighting height limits shall be a maximum of 30 feet, except within 100 feet of a residential use, where lighting shall be reduced to a height of 20 feet and walkway/courtyard lighting to a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.
- The addition of athletic field lighting standards to include horizontal cutoffs to reduce lighting above the fixture for new and retrofit lighting designs and a maximum lighting value used in lighting recreational athletic fields of an average maintained 50 foot-candles.
- The modification of existing street light standards to include the installation of street lighting solely for the purpose of illuminating the public right of way and conformance to the city street lighting standards, including the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

The dark sky standards would apply to all new development and to existing development/parking areas that are enlarged or altered. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to review of a new or revised point by point photometric lighting plan.

Specific language of the above sections of the Municipal Code can be found in Attachment 3 of this report, which includes a strikeout/underline version of the language added and subtracted.

REVIEW PROCESS

Staff originally presented the item to the City Council at the October 20, 2009, Study Session meeting as in conjunction an overall review of City efforts included in the Highland Fairview Corporate Park Settlement Agreement. During the study session meeting, existing and proposed standards were discussed, with the City Council recommending that staff bring back proposals to incorporate guidelines of the International Dark Sky Association and exterior lighting standards of jurisdictions such as Palm Desert which have created dark sky ordinances.

Subsequently, staff established a subcommittee of members from various internal departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utilities and Parks and Community Services. Collectively, all internal departments and representatives of the subcommittee have drafted revised lighting language and/or reviewed draft dark sky lighting standards. All members of the subcommittee have agreed to modify the ordinance as is presented and attached to this report.

The next step in the process is to have the Planning Commission review the proposed amended lighting standards and recommend to the City Council for final review and action.

ENVIRONMENTAL

The proposed Municipal Code Amendment (PA10-0022) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines in that there is no possibility that the proposed activity and the modification of existing light standards to further prevent light spillover into adjacent properties and the night sky would create the potential for a significant impact upon the environment.

NOTIFICATION

A 1/8 page public hearing notice for this development code amendment was published in the local newspaper. The Sierra Club was also notified of the meeting.

REVIEW COMMENTS

Staff sent out the final draft of the modified lighting ordinance to eleven (11) lighting designers and experts in the field that have previously submitted photometric lighting plans to the City, inviting any comments on the draft language to be provided. Staff did not receive any comments during or since the 30 day transmittal period.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-10 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and
2. **APPROVE** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-10
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code.
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.



NOTICE OF PLANNING COMMISSION PUBLIC HEARING

THE PLANNING COMMISSION WILL CONSIDER A CITYWIDE AMENDMENT (PA10-0022) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV "APPLICATIONS FOR HILLSIDE DEVELOPMENT", SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI "APPLICATIONS FOR LIGHTING", SECTION 9.16.280, "GENERAL REQUIREMENTS", AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH THE EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The amendment would modify current lighting provisions including, but not limited to the refinement of existing code standards for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties and a dark sky approach citywide.

The Planning Commission may consider any appropriate modifications or alternatives to the amendment or environmental determination. The amendment is exempt under California Environmental Quality Act Guidelines Section 15061 in that there is no possibility that the proposed activity may have potential for a significant impact upon the environment.

Any person interested in the proposed project may contact Mark Gross at (951) 413-3215 or at the Community and Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission on or before the following meeting date:

**Thursday, April 14, 2011
7:00 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805**

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PLANNING COMMISSION RESOLUTION NO. 2011-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA RECOMMENDING APPROVAL OF PA10-0022 TO THE CITY COUNCIL, AMENDING TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV APPLICATIONS FOR HILLSIDE DEVELOPMENT SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI APPLICATIONS FOR LIGHTING AND SECTION 9.16.280, "GENERAL REQUIREMENTS" AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH THE EMPHASIS OF DARK SKY STANDARDS CITYWIDE

WHEREAS, the City of Moreno Valley has filed an application for the approval of PA10-0022 citywide, as described in the title of this Resolution.

WHEREAS, on April 14, 2011, the Planning Commission of the City of Moreno Valley held a public hearing to consider the application.

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 April 14, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

Attachment 2

1. **Conformance with General Plan Policies** – The proposed modifications to the Municipal Code are consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The citywide project consists of modifications to existing lighting standards established in the City of Moreno Valley Municipal Code. Numerous sections of the Code will be modified regarding lighting for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties, a dark sky approach and a reduction of overall energy/electricity use. All of the proposed clarifications and modifications included within the Municipal Code amendment are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan. Particularly, Objective 2.10.7 of the General Plan indicates that on-site lighting

2. **Conformance with Zoning Regulations** – The proposed modifications to the Municipal Code comply with all applicable zoning and other regulations.

FACT: The primary purpose of modifying current lighting ordinance practices is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night, curtail and reverse any degradation of the nighttime visual environment and the night sky, minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary and conserve energy. The amendments to the Municipal Code are consistent with applicable zoning standards and all other regulations within the Code. The newly established language within the amendment are internally consistent and compatible with the purpose and intent of Title 9, and will refine the language within the existing lighting and design standards within the various sections of the Code. The amendments are also internally compatible with other regulations established within the Moreno Valley Development Code.

3. **Health, Safety and Welfare** – The proposed modifications to the Municipal Code will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The modification and enhancement of existing Municipal Code general and design standards for on-site and street lighting with an emphasis on maintaining dark night skies creates a positive environment for the development of Moreno Valley's future and allows for the preservation of night skies and reduction of glare and light in more environmental sensitive land use areas such as

residential hillside and open space areas. Pursuant to Section 15061 of the CEQA Guidelines, the project meets requirements for project exemption as there is no possibility that the modification of existing light standards to further prevent light spillover into adjacent properties and into the night sky may have a significant effect on the environment, while the activity is not subject to CEQA requirements. The proposed amendment also does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions.

BE IT FURTHER RESOLVED that the Planning Commission **APPROVES** Resolution No. 2011-10, recommending the City Council recognize that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines and approve Municipal Code amendments to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general, athletic field/park and street lighting citywide.

APPROVED this 14th day of April, 2011.

Ray Baker
Acting Chair, Planning Commission

ATTEST:

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

APPROVED AS TO FORM:

City Attorney

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9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development
2. ~~Each~~ Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to these illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.
 - a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.
 - b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.
 - c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (3) (a-d) below.

3. Non-Residential Uses.

~~A.~~ a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting beyond the property containing the nonresidential use measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

~~B.~~ a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface from dusk until dawn, unless otherwise approved, for visibility and security over the entire parking surface. Wiring shall be underground unless existing overhead lines can serve the need without any additional overhead lines. Each parking area of five or more spaces existing prior to the effective date of the ordinance codified in this chapter which is enlarged, constructed, altered, or changed from its previous configuration shall be subject to these illumination requirements. Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting beyond the property containing the non-residential use measured from within

five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line* may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line* may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 footcandles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line* may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaires and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting on all residential and non-residential walkway and courtyard lighting shall directed downward and be mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five feet of any property line.

2. All exterior lighting shall be full-cutoff type and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of ~~minimum~~ maintained lighting.

2. Aisles and passageways ~~and recesses~~ related to and within a building complex, during the hours of darkness, shall be illuminated ~~to~~ with a maximum of one-half (0.50) to one (1) foot candles of ~~minimum~~ maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

~~7. 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 consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4. Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting.

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties;

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor

light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;
2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;
3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;
4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.
5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

~~C. Use of the following forms of outdoor lighting shall be prohibited between midnight and dawn:~~

- ~~1. The operation of searchlights for advertising purposes; and~~
- ~~2. The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. Security lighting shall be provided.~~

~~D. Overhead roof lighting is prohibited.~~

~~E. Outdoor lighting within residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height. Such lighting shall be designed to project downward and shall not create glare on adjacent properties.~~

~~F. All exterior commercial doors during the hours of darkness shall be illuminated with one footcandle, minimum maintained of light on the surface.~~

~~G. Aisles, passageways and recesses related to and within a building complex, during the hours of darkness, shall be illuminated to one half footcandle, minimum maintained on the surface.~~

~~H. All lighting shall be enclosed in vandal-resistant fixtures.~~

~~I. General Guidelines.~~

~~1. — Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.~~

~~2. — For safety, identification and convenience, the entrances of building and parking areas shall be illuminated. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.~~

~~3. — All exterior lighting shall be shielded to prevent spillover onto adjacent properties.~~

~~4. — Industrial and manufacturing developments shall provide adequate lighting for safe and secure on-site parking, loading, storage, receiving and pedestrian areas.~~

~~5. — All exterior doors on commercial structures shall be illuminated with a “minimum maintained” of one footcandle of light on the door surface during hours of darkness.~~

~~6. — Aisles, passageways and recesses within a building complex shall be illuminated with a “minimum maintained” of one half footcandle of light during hours of darkness.~~

~~7. — All lighting shall be enclosed in vandal resistant fixtures.~~

~~8. — In multifamily developments, laundry rooms shall be well lit at all times they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.~~

~~9. — 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 consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

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9.08.190 Street lighting.

~~_____ A. _____ Unless otherwise waived by the public works director for developments within the OS, HR, RR and R1 districts, the provision of street lights shall be a requirement of all development proposals.~~

~~_____ B. _____ Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system of either:~~

~~_____ 1. _____ A utility owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the public works director; or~~

~~_____ 2. _____ A municipally owned ornamental system consisting of reinforced concrete or steel standards with underground wiring or other design approved by the public works director.~~

~~_____ C. _____ If a utility owned ornamental system is installed, the developer shall be liable for and shall pay all charges attributable to such installation.~~

~~_____ D. _____ If a municipally owned underground ornamental system is installed, the developer shall be liable for and shall pay all costs incurred in installing the entire system.~~

~~_____ E. _____ Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by the utility owned system and the public works director. (Ord. 359 (part), 1992)~~

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9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.
2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.
3. Clustering of development on flatter areas of the site is strongly encouraged.
4. Dwelling units and structures shall be sited in a manner that will:
 - a. Retain outward views from each unit;
 - b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;
 - c. Preserve natural hydrology, native plant materials and areas of historic significance.
5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:
 - a. Use the natural ridgeline as a backdrop for structures;
 - b. Use landscape plant materials as a backdrop;
 - c. Use the structure to conceal cut slopes;
 - d. Retain major natural skyline profiles;
 - e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.
6. Encourage smaller pad to lot size ratios for all dwelling units.

Attachment 5

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be “earth tones” compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot’s size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous “cookie-cutter” look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.
2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.
3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.
4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.
5. Road, driveway and walkway lights should be located on the “downhill” side and aimed toward the “uphill” side and should be fully shielded from below and only light the driveway surface.
6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure ~~of not more than~~ not to exceed a height of ~~twelve (12)~~ eight (8) feet above finished grade and fully shielded for security lighting.
7. Street lighting shall be limited to the greatest degree feasible to maintain a “dark sky” environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

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9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

2. Parking lot and walkway lighting fixture height and brightness should conform to the following table:

Table 9.16.280A

Site Lighting

-

Lamp Types and Characteristics

| Type | Characteristics |
|------------------|--|
| Low Level | Heights below eye level |
| - | Very finite patterns with hour wattage capabilities |
| - | Incandescent, fluorescent |
| - | Lowest maintenance requirements, but highly susceptible to vandals |
| Mall and Walkway | 10' - 15' heights average |
| - | Multi-use because of extreme variety of fixtures and light pattern |
| - | Incandescant, high pressure sodium |
| - | Susceptible to vandalism |
| Special Purpose | 20' - 30' heights average |
| - | Recreational, commercial, residential, industrial |

Attachment 6

| Type | Characteristics |
|------|---|
| - | Metal halide, high or low pressure sodium |
| - | Fixtures monitored by sentry |

3. Lighting should improve the visual identification of residences and businesses. ~~Within commercial areas, lighting should help to create a festive atmosphere by encouraging nighttime pedestrian use.~~

4. Energy efficient lighting of buildings is encouraged.

5. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements. ~~and should be designed either to uplight structures from the ground or to downlight structures from projecting or detached architectural elements.~~

6. The location, color and intensity of private lighting should relate to and complement public lighting.

7. Lighting fixture design should complement the overall design theme of the project in which they are located.

~~8. Fixtures should be placed so that light patterns overlap at a height of seven feet, which is sufficiently high to illuminate a person's body vertically. This is a particularly important consideration now that lighting fixture manufacturers are designing luminaries with highly controlled light patterns.~~

~~9.8.~~ At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

~~10.9.~~ Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare. ~~Most eye levels occur between three feet eight inches (for wheelchair users) and six feet for standing adults.~~

~~11. When walkway lighting is provided primarily by low fixtures, there should be sufficient peripheral lighting to illuminate the immediate surroundings. Peripheral lighting provides for a better feeling of security for individuals because they can see into their surroundings to determine whether passage through an area is safe. Such lighting should be approached from one of two ways:~~

~~a. By lighting the area so that an object or person may be seen directly; or~~

~~b. By lighting the area to place an object or a person in silhouette. (Ord. 698 § 3.1(g), 2005; Ord. 359 (Attach. 2 (part)), 1992)~~

“Land use ordinance” means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). “Minimum maintained lighting” means a method of measuring light at the ground level.

9.15.030

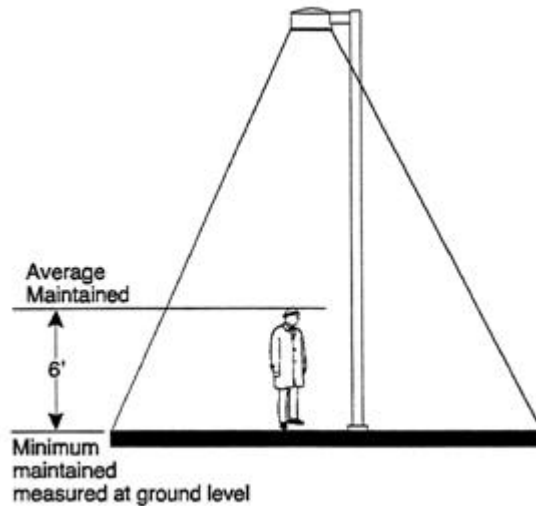


Figure 9.15.030-10

Lighting (Minimum Maintained)

“Light Trespass” means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

“Livestock” means and includes cows, bulls, calves and heifers, except pigs.

“Live/work unit” means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

Attachment 7

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