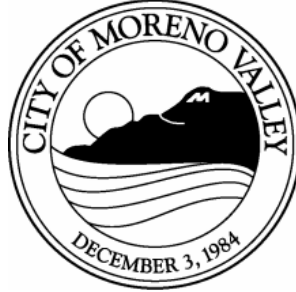

PLANNING COMMISSIONERS

RAY L. BAKER
Chair

GEORGE SALAS, JR.
Vice-Chair

JEFFERY GIBA
Commissioner



AMBER CROTHERS
Commissioner

THOMAS A. OWINGS
Commissioner

CARLOS RAMIREZ
Commissioner

MELI VAN NATTA
Commissioner

PLANNING COMMISSION AGENDA

December 8, 2011

PLANNING COMMISSION MEETING – 7:00 P.M.

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE MEETING

(ON DISPLAY AT THE REAR OF THE ROOM)

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

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

NON-PUBLIC HEARING ITEMS

1. Recognition of Former Planning Commissioner:
Richard Dozier, 6 Years of Dedicated Service

PUBLIC HEARING ITEMS

1. Case Number: PA11-0019
Case Description: Conditional Use Permit
Applicant: Continental East Fund VII, LLC
Owner: Continental East Fund VII, LLC
Representative: Charlene Kussner
Location: Southwest corner of Brodiaea Avenue and Moreno Beach Drive
Proposal: A Conditional Use Permit (CUP) for a phased 98,434 square foot 139 unit (155 bed) senior assisted living facility (Phases 1 and 2) on a 7.33 acre parcel of land within the R15 (Residential 15) land use district.
Case Planner: Mark Gross
Recommendation: **APPROVE** Resolution No. 2011-35 and thereby:
 1. **ADOPT** a Negative Declaration: and,
 2. **APPROVE** PA11-0019 (Conditional Use Permit) based on the findings included in the resolution, subject to the attached conditions of approval included as Exhibit A to the resolution (Attachment 2).
2. Case Number: PA11-0037
Case Description: Municipal Code Amendment
Applicant: City of Moreno Valley
Representative: Albert Brady, Code & Neighborhood Services Official
Location: Citywide
Proposal: Municipal Code Amendment to establish regulations for the containment of shopping carts.

Recommendation:

ADOPT Resolution No. 2011-36 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that PA11-0037 (Municipal Code Amendment) does not have the potential to cause a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines; and,
2. **APPROVE** PA11-0037 (Municipal Code Amendment) as referenced on Attachment 3.

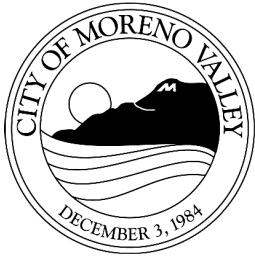
OTHER BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

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PLANNING COMMISSION STAFF REPORT

Case: PA11-0019 (Conditional Use Permit)

Date: December 8, 2011

Applicant: Continental East Fund VII, LLC

Representative: Charlene Kussner

Location: Southwest corner of Brodiaea Avenue
and Moreno Beach Drive

Proposal: A Conditional Use Permit (CUP) for a
two phase 98,434 square foot 139 unit
(155 bed) senior assisted living facility
on a 7.33 acre parcel of land within the
R15 (Residential 15) land use district.

Redevelopment Area: No

Recommendation: Approval

SUMMARY

The applicant, Continental East Fund VII, LLC, is requesting approval of a conditional use permit for a two phase development consisting of a 139 unit (155 bed) senior assisted living facility with amenities such as a separate recreation building containing an exercise pool and spa. Other outdoor amenities such as arbors, a tot lot and BBQ areas will further enhance the senior assisted living facility for both residents and visiting families. The project site includes 7.33 acres of land within the R15 (Residential 15) land use district.

BACKGROUND

On May 8, 2007, the City Council approved a 112 unit townhome complex with private open space, tot lot and BBQ/picnic area on the 7.5 net acre parcel of land in the R15 land use district. The project also included the second amendment to the Cactus Corridor Specific Plan No. 214 to remove the existing parcel of land from the Specific Plan. Due to financial constraints of the developer and downturn of the economy, the townhome complex was never constructed. The parcel has since changed ownership and the new owner/developer has provided plans for a senior assisted living complex to assist in meeting the needs for residential assisted living in the city.

PROJECT DESCRIPTION

Project

The proposed project consists of a Conditional Use Permit (CUP) for a phased 139 unit/155 bed senior assisted living facility. The 98,434 square foot senior assisted living complex will be developed in two phases, with the first phase consisting of 74,165 square feet and including 100 units as well as the administration and recreation buildings on the northern and central portions of the site and the second phase proposed to include 24,269 square feet and 39 units on the southern portion of the site. The first phase of the project will also include a separate recreation building consisting of a pool, spa and various activity areas for the residents and their visiting families.

Site

The site is currently vacant. Some weedy vegetation is currently scattered throughout the site. Based on a staff site inspection, there were no specific environmental concerns such as drainage or riparian vegetation on the subject site.

Surrounding Area

Surrounding land uses include scattered single family residential uses to the, east, west and north of the subject site. A vacant residential parcel lies immediately to the west of the site. A retail project, including a 95,950 square foot commercial center with a Stater Bros. anchor supermarket is located south of the project on the northwest corner of Cactus Avenue and Moreno Beach Drive, immediately south of the proposed assisted living complex.

Access/Parking

Three points of access have been provided for the residential assisted living complex. This includes the primary entrance or access from Brodiaea Avenue and two secondary entrances from the shopping center immediately to the south. There is no direct entry to Moreno Beach Drive from this project, however a driveway is situated immediately to the south of the property on the adjacent shopping center that would provide access to the two driveways from the project.

Pedestrian access is provided to exterior areas, driveways and within the interior portions of the site. Pedestrian access and sidewalks will also link the development with the adjacent shopping center to the south of the site.

The project is proposing 95 parking stalls for the proposed use and site. The Municipal Code requires a parking analysis/study to determine actual number of parking stalls based on parking demand for this use. An assisted living facility is not considered a parking intensive use since residents in most cases do not drive. A parking study was conducted to determine parking intensity for similar sites currently in operation. After reviewing the parking study/analysis that included similar uses and parking counts during afternoon peak periods of operation, staff has agreed with the conclusion of the study that a 155 bed assisted living facility would require a maximum of 76 parking stalls. In this case, the site is over parked by 19 vehicle parking spaces. As all of the proposed 95 parking stalls would not be necessary based on the study, staff is working with the applicant to reduce some of the parking for the primary internal aisle from Brodiaea Avenue and replace with additional landscape and trees.

Design/Landscaping

Architecturally, the complex includes some details and colors from the surrounding shopping center complex, while providing an architectural scheme more compatible with a residential development. Some of the design elements for the complex are proposed to include stucco walls with wood trim, tile roofs, shutters, brick details, French doors and windows, decorative iron fencing enhancements and decorative lighting sconces for up and down lighting opportunities and shadowing effects on the buildings particularly facing Moreno Beach Drive and Brodiaea Avenue. Colors for the project include a variety of coordinated earthtone shades.

An existing six (6) foot decorative wall with entrance gates is currently located adjacent to the commercial shopping center for the two southern elevation driveways. A decorative iron fence with pilasters and vines is proposed to be included along all public right of way required yards areas along Brodiaea Avenue and Moreno Beach Drive. A decorative wall is also required on the western edge of the property adjacent to the vacant residential lot.

Internal open space and landscape will be included throughout the site. Additionally, required setback and parkway landscape will be visible along both Moreno Beach Drive and Brodiaea Avenue. The developer will be required to provide street trees along the entire perimeter of the project.

Some specific amenities of the community as provided on the preliminary landscape plan include various arbors and gazebos, a entry circle with decorative paving, a water feature, and decorative entries with paving and enhanced landscape. Private patios will also be provided for the individual units, and will include landscape and hardscape items, including areas for residents to sit and enjoy the outdoors. Additional items that provide a residential community feel for the project include the addition of raised gardening areas, potted plants, a rose garden, tot lot for visiting families and children, an exercise pool and spa, BBQ areas and the use of synthetic turf to enhance family or resident gathering areas.

Some additional minor design enhancement items for the project will be addressed through conditions of approval. Infiltration basins/drainage areas will be provided around the site perimeter that would restrict the placement of trees as shown on the preliminary landscape plan. A condition of approval has been included that requires the basins and drainage areas to meander and allow for the placement of trees and landscape. The basins will include decorative rock and/or stone to provide a dry stream bed design and areas of pavement on the site shall be pervious to aid site drainage by reducing water run off and reduce the size of basins. Many internal parking aisles do not include required landscape finger or end planter trees as required by the Municipal Code. An enhanced primary drive aisle linking to the internal entry circle from Brodiaea Avenue will be conditioned to include additional landscape and trees. In order to meet Municipal Code requirements for landscape, shading and parking lot design, various sidewalks included in the front of parking stalls and at the end of parking aisle shall be modified and some additional vehicle parking over the required 76 stalls shall be removed and replaced with additional finger and end planters containing landscape and shade trees. Finally, enclosed patios or courtyard areas will be provided for the units and conditioned to include landscape, decorative paving and sitting areas for residents.

REVIEW PROCESS

The Project Review Staff Committee (PRSC) first met to review the project on July 13, 2011. At that time, staff required some site plan and architectural design items to be revised, including the addition of required 20 foot landscape setbacks along Moreno Beach Drive and Brodiaea Avenue and more detailed architectural elevation plans. In addition, a couple of environmental reports were required for the project including the Preliminary Water Quality Management Plan and a burrowing owl/habitat analysis.

A second Pre-PRSC meeting was held on September 27, 2011 to review corrections to the plans. Revised plans were provided to staff for a two week review on November 4, 2011. Based on the attached plot and elevation plans submitted for Planning Commission review, all items discussed have either been revised or are handled through conditions of approval that require additional minor modifications.

ENVIRONMENTAL

Specific environmental requirements required for the project included a Preliminary Water Quality Management Plan (PWQMP), and a Burrowing Owl survey to meet Riverside County Multi-Species Habitat Conservation Plan (MSHCP) requirements. Although no burrowing owl species or burrows were found on the site during site inspections by a registered biologist, a second pre-construction survey is conditioned to meet MSHCP requirements.

As determined within the Environmental Initial Study, including completion of the PWQMP and the burrowing owl/habitat assessment, there will be no significant impacts to the environment from the proposed assisted living use and a Negative Declaration is recommended. It is expected that the proposed project will not individually or cumulatively have an adverse effect on wildlife resources as defined in Section 711.2 of the Fish and Game Code.

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.

REVIEW AGENCY COMMENTS

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

<u>Agency</u>	<u>Response Date</u>	<u>Comments</u>
1. Riverside County Flood Control and Water Conservation District	July 11, 2011	The District will accept ownership of the facility upon written request of the City. Applicable fees shall be paid.

STAFF RECOMMENDATION

APPROVE Resolution No. 2011-35, and thereby:

1. **ADOPT** a Negative Declaration; and,
2. **APPROVE** PA11-0019 (Conditional Use Permit) based on the findings included in the resolution, subject to the attached conditions of approval included as Exhibit A to the resolution (Attachment 2).

Prepared by:

Approved by:

Mark Gross, AICP
Senior Planner

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-35
with attached Conditions of Approval
3. Initial Study
4. Zoning Map
5. Aerial Map
6. Reduced Site / Elevation Plans
7. Preliminary Landscape Plans
8. Reduced Preliminary Grading Plan
9. Development Proposal Information Booklet

EXHIBITS:

1. Site / Elevation Plans
2. Preliminary Grading Plan
3. Preliminary Landscape Plan
4. Development Proposal Information Booklet



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: PA11-0019 (Conditional Use Permit)

APPLICANT: Continental East Fund VII, LLC

OWNER: Continental East Fund VII, LLC

REPRESENTATIVE: Charlene Kussner

LOCATION: The project is located on southwest corner of Brodiaea Avenue and Moreno Beach Drive

PROPOSAL: A Conditional Use Permit (CUP) for a two phase 98,434 square foot 139 unit (155 bed) senior assisted living facility (Phases 1 and 2) on a 7.33 acre parcel of land within the R15 (Residential 15) land use district.

ENVIRONMENTAL DETERMINATION: Pursuant to the California Environmental Quality Act, a Negative Declaration has been prepared.

REDEVELOPMENT AREA: No

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community and Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.



LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chambers, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE & TIME: December 8, 2011, 7:00 P.M.

CONTACT PLANNER: Mark Gross

PHONE: (951) 413-3215

ATTACHMENT 1

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PLANNING COMMISSION RESOLUTION NO. 2011-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING A CONDITIONAL USE PERMIT (PA11-0019) FOR A TWO PHASE 139 UNIT/155 BED SENIOR ASSISTED LIVING FACILITY WITHIN A 98,434 SQUARE FOOT BUILDING ON AN 7.33 ACRE PARCEL OF LAND WITHIN THE R15 (RESIDENTIAL-15) LAND USE DISTRICT

WHEREAS, Continental East Fund VII LLC, has filed an application for the approval of PA11-0019 (Conditional Use Permit) for the development of a proposed 139 unit/155 bed senior assisted living facility as provided in the title above. Said project is located on the southwest corner of Brodiaea Avenue and Moreno Beach Drive.

WHEREAS, on December 8, 2011, the Planning Commission of the City of Moreno Valley held a meeting 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 December 8, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The developer is proposing a 139 unit/bed senior assisted living complex with such amenities such as common open space

ATTACHMENT 2

areas and a fitness area. The project site is designated on the General Plan as R15 (Residential-15 or 15 units per acre maximum). The proposed land use is consistent with the R15 land use district. The proposed project is also consistent with the all provisions within the Municipal Code and General Plan, including its goals, objectives, policies and programs

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

FACT: The proposed project, consisting of a senior assisted living complex has been designed in accordance with the City of Moreno Valley Municipal Code regulations. An assisted living complex is considered a conditionally permitted use in this land use designation.

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

FACT: A site inspection of the property revealed that there were no rock outcroppings or drainage areas located on the property. In addition, there were no riparian areas, standing water or condensed vegetated areas to support threatened or endangered flora or fauna species. The proposed project will not result in the potential for significant impacts to Fish and Wildlife resources. There is no evidence that the proposal will have a significant impact on the environment. As conditioned and designed, the proposed project would not cause serious health problems or significant environmental impacts and would not be considered detrimental to public health, safety or welfare or be materially injurious to properties or improvements in the vicinity.

4. **Location, Design and Operation** – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: The proposed project is surrounded by scattered single family residential uses to the, east, and west as well as vacant residential land. A retail project is located at the northwest corner of Cactus Avenue and Moreno Beach Drive, directly south of the site. The location, design and operation of the site and land use will be compatible, as conditioned, with existing and planned land uses in the vicinity of the project site.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA11-0019, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

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

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

Your 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 you have been given a notice similar to this nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-35, **ADOPTING** a Negative Declaration, and **APPROVING** PA11-0019 (Conditional Use Permit) for a 139 unit/155 bed senior assisted living complex on a 7.33 acre parcel of land within the R15 (Residential-15) land use district, subject to the conditions of approval, attached as Exhibit A to this resolution.

APPROVED this _____ day of _____, 2011.

Ray Baker
Chair, Planning Commission

ATTEST:

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

APPROVED AS TO FORM:

City Attorney

Attached: Conditions of Approval

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT**

PA11-0019

APN: 486-250-021

**APPROVAL DATE:
EXPIRATION DATE:**

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

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

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

For questions regarding any Planning condition of approval, please contact the Planning Division at (951) 413-3206.

GENERAL CONDITIONS

- P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

- P2. In the event the use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in

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	

**PLANNING DIVISION
CONDITIONS OF APPROVAL
(PA11-0019)
PAGE 2**

accordance with provisions of the Municipal Code. (MC 9.02.260)

- P3. The site shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
- P4. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P6. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
- P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

- P8. The site has been approved for a senior assisted living complex. A change or modification shall require separate approval. For a Conditional Use Permit, violation of conditions of approval may result in revocation in the case.**

Prior to Issuance of Grading Permits

- P9. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in

**PLANNING DIVISION
CONDITIONS OF APPROVAL
(PA11-0019)
PAGE 3**

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, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be contacted within a reasonable timeframe to identify the "most likely descendant." The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

- P10. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P11. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be shown on the plan, be a minimum size of 24 inch box, and meet a ratio of three replacement trees for each mature tree removed or as approved by the Planning Official. (GP Objective 4.4, 4.5, DG)
- P12. **(GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Planning Division for review and approval.**
- P13. **(GP) Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan.**
- P14. **(GP) Prior to the issuance of grading permits, the grading plan and final site plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Paving shall consist of non-grouted or porous pavements or as otherwise approved by the Planning Division.**
- 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. A 6 foot high solid decorative block perimeter wall with pilasters shall be required adjacent to the residential zoned properties to the west of the project site.**

**PLANNING DIVISION
CONDITIONS OF APPROVAL
(PA11-0019)
PAGE 4**

- B. A 3 foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot/aisle for screening purposes.**
 - C. A maximum six (6) foot decorative iron fence with pilasters shall be provided adjacent to Moreno Beach Drive and Brodiaea Avenue.**
 - D. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement of the Municipal Code.**
 - E. Any modifications to the southern boundary wall adjacent to the commercial/retail center shall be identified on the fence and wall plan.**
 - F. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project.**
 - G. All walls are subject to the approval of the Planning Official. (MC 9.08.070)**
- P16. (GP) Prior to the issuance of any grading permits, grading plans shall show a meander in the infiltration basins for all required setback areas to allow for required landscape and shade trees. Infiltration basins shall include decorative rock or stone to create the effect of a dry streambed.**
- P17. (GP) Prior to the issuance of any building permits, indicate on the grading plan areas of the parking lot that will contain pervious paving and offsetting reduction in the linear infiltration areas.**

PRIOR TO BUILDING PERMITS

- P18. BP) Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30, DG)**
- P19. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Planning Division review and approval. All equipment shall be completely screened so as not to be**

**PLANNING DIVISION
CONDITIONS OF APPROVAL
(PA11-0019)
PAGE 5**

visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

- P20. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. All light structures within the parking lot and interior of the project site shall be shown on the plans. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)
- P21. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)
- P22. (BP) Prior to issuance of building permits, a phasing plan shall be submitted to the Planning Division for the phased components of the project.
- P23. (BP) Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and shall include:**
- A. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot/aisle for screening.**
 - B. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle. Parking lot trees shall also be provided in all end and finger planters per Municipal Code requirements.**
 - C. Diamond planters shall be provided every 3 parking stalls, if landscape**

- and trees are not located adjacent to a parking stall.
- D. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas only.
 - E. Street trees shall be provided every 40 feet on center in the right of way.
 - F. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.
 - G. Enhanced landscaping shall be provided at all driveway entries, the primary drive aisle from Brodiaea Avenue into the property, and street corner locations.
 - H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
 - I. Landscaping shall be provided on three sides of any trash enclosure.
 - J. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of any certificate of occupancy permits for the site.
 - K. Show a meander in the infiltration basins for all required setback areas to allow space for required landscape and shade trees. Infiltration basins shall include decorative rock or stone to create the effect of a dry streambed.
 - L. Provide greater detail for all proposed unit patios to include a mix of landscape and impervious decorative hardscape and pathways/sitting areas for residents.
- P24. (BP) Prior to the issuance of building permits, the master site plan shall include landscape on three sides of all trash enclosures, and elevation plans for trash enclosures shall be provided that include a solid roof and decorative features that are consistent with the architecture of the proposed buildings on the site, subject to the approval of the Planning Division.
- P25. (BP) Prior to the issuance of building permits, the elevation plans shall include decorative lighting sconces on all sides of the buildings adjacent to Moreno Beach Drive and Brodiaea Avenue to provide up-lighting and shadowing on the structures. Include cut sheet drawings of the sconce details for each building within the elevation plans.
- P26. (BP) Prior to the issuance of building permits, the plot plan shall include decorative concrete pavers for all driveway ingress/egress locations for the project.

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- P27. (BP) Prior to the issuance of any building permits, the landscape plan shall include decorative lighting in landscape areas and trees on the property along all major entryways to enhance visibility and aesthetics at night.**
- P28. (BP) Prior to the issuance of any building permits, provide enhanced landscape materials and move the proposed fountain into a portion of the proposed traffic circle area, subject to the approval of the Fire Marshal and Planning Division.**
- P29. (BP) Prior to the issuance of any building permits, provide enhanced landscape materials and design for the primary internal drive aisle from Brodiaea Avenue by modifying internal sidewalk locations to allow trees between the sidewalk and parking spaces and including additional finger planters to provide required end planter trees, subject to the approval of the Planning Division.**

PRIOR TO CERTIFICATE OF OCCUPANCY

- P30. (CO) Prior to certificate of occupancy, provide proof of reciprocal access easements between the residential property and the commercial property to the south.**
- P31. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)
- P32. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).
- P33. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be inspected by the Planning Division. All on-site and common area landscaping shall be installed in accordance with the City's Landscape Standards and the approved project landscape plans and all site clean-up shall be completed. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.

Building and Safety Division

- B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as city ordinances. All new projects shall provide a soils report

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as well. Plans shall be submitted to the Building Department as a separate submittal. The 2010 edition of the California Codes became effective for all permits issued after January 1, 2011.

- B2. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include “as built” plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.
- B3. (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.
- B4. (BP) Prior to the issuance of a building permit, show on the plans that no gutter, drainage feature, swale or other deviation in the flat level surface at the accessible parking spaces exists within and for a minimum four foot extension beyond the outer dimensions of the parking space, loading zone and path of travel.

SCHOOL DISTRICT

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

UNITED STATES POSTAL SERVICE

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

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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 and Economic Development Department - Building Division for routing to the Police Department. (DC 9.08.080)
- PD4. Addresses need to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient.
- PD5. All landscape cover should not exceed over 3' from the ground in the parking lot.
- PD6. Shrubs that are near the exterior of the building should not exceed 4' and should not be planted directly in front of the buildings or walkways.
- PD7. Trees, which exceed 20', should have a 7' visibility from the ground to the bottom half of the tree. This is so that patrons or employees can view the whole parking lot

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while parking their vehicles in the parking lot.

PD8. Window coverings shall comply with the city ordinance.

PD9. A monument address is to be located in front of the main entrance.

PD10. Sufficient lighting is to be provided over all mailbox areas.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA11-0019
APN: 486-250-021
DATE: 11/16/11

FIRE PREVENTION BUREAU

1. The following Standard Conditions shall apply.

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

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.
- F2. The Fire Prevention Bureau is required to set a **minimum fire flow** for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 1500 GPM for 2 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B) . **The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.**
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super **fire hydrants** (6" x 4" x 2 1/2" x 2 1/2") and super enhanced fire hydrants (6" x 4" x 4" x 2 1/2") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 507.5.7 & MVMC 8.36.060 Section K)
- F4. 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 503.2)

- F5. During **phased construction**, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.2 and 503.2.5)
- F6. 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)
- F7. 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)
- F8. 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) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- F9. Prior to construction, all roads, driveways and private roads shall not exceed 12 **percent grade**. (CFC 503.2.7 and MVMC 8.36.060[G])
- F10. 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)
- F11. 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)
- F12. 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)
- F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the **Fire Impact Mitigation Program**. (Fee Resolution as adopted by City Council)
- F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the **water system plans** to the Fire Prevention Bureau for review. Plans shall:
- a) Be signed by a registered civil engineer or a certified fire protection engineer;
 - b) Contain a Fire Prevention Bureau approval signature block; and
 - c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507.5)

- F15. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1)
- F16. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)
- F17. 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)
- F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
- F19. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
- F20. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)

- F21. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an **electronic file in .dwg format**, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- F22. The **angle of approach** and departure for any means of Fire Department access shall not exceed **1 ft drop in 20 ft** (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
- F23. Prior to issuance of the building permit for development, independent paved **access to the nearest paved road**, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060)
- F24. 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 8.36.060)
- F25. 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.
- F26. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce **conditions hazardous to life or property, or to install equipment used in connection with such activities**. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with CFC 105 and MVMC 8.36.100.
- F27. Approval of the **safety precautions required** for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)
- F28. Construction or work for which the Fire Prevention Bureau's approval is required shall be **subject to inspection by the Fire Chief** and such construction or work

shall remain accessible and exposed for inspection purposes until approved.
(CFC Section 105)

- F29. The Fire Prevention Bureau shall maintain **the authority to inspect**, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 105)
- F30. Permit requirements issued, which designate specific **occupancy requirements** for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 105)
- F31. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the **intent of this code as approved by the Fire Chief**. (CFC Section 102.8)
- F32. Any **alterations, demolitions, or change in design, occupancy and use** of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Chapter 1)
- F33. **Emergency and Fire Protection Plans** shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F34. Prior to Certificate of Occupancy all locations **where medians are constructed** and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F35. Prior to construction, **all traffic calming** designs/devices must be approved by the Fire Marshal and City Engineer.

FIRE FLOW LETTER

Date: 7/20/11	Address:
_____	_____
Case Number: PA11-0019	A.P.N.: 486-250-021
_____	_____

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

Based on the information provided on the above referenced case. The fire flow required for this project will be 1500 G.P.M. for duration of 2 -HOURS measured at 20-psi residual pressure.

The required fire flow may be adjusted during the approval process to reflect changes in design, construction type or automatic fire protection measures as approved by the Fire Prevention Bureau.

**Applicant/
Developer:** _____

By: _____ **Date:** _____

Title: _____

WATER AGENCY APPROVAL

Name of Agency: _____

Address: _____

Telephone: _____ **Date:** _____

By: _____ **Title:** _____

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

**CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA11-0019 – Conditional Use Permit for Senior Assisted Living Facility
APN 486-250-021**

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)
- LD2. (G) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the **conditional use permit** correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)
- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

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

- LD7. (G) 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.
- LD8. (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

- LD9. (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.

LD10. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
- b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
- c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
- d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
- e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD11. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

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 the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
- b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
- c. Incorporates Treatment Control BMPs and provides information regarding design considerations;

- d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
- e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

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

- LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

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

- LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

- LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

- LD17. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

- LD18. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

- LD19. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

- LD20. (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.

- LD21. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)
- LD22. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.
- LD23. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Improvement Plan Approval or Construction Permit

- LD24. (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.
- LD25. (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)
- LD26. (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.
- LD27. (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.
- LD28. (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. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
- LD29. (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.

- LD30. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD31. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD32. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)
- LD33. (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)
- 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.
- 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 for non-subdivision projects, 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.
- LD39. (BP) Prior to issuance of building permits for non-subdivisions, 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.
- LD40. (BP) Prior to issuance of a building permit, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (**NPDES**) as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of building permit issuance. Following are the requirements:
- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
 - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
 - b. Notify the Special Districts Division of the intent to obtain a building permit 90 days prior to the City's issuance of a building permit and the financial option selected. (California Government Code & Municipal Code)
- LD41. (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.

Prior to Certificate of Occupancy

- LD42. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.
- LD43. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

- LD44. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD45. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. 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.
 - e. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- LD46. (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)

SPECIAL CONDITIONS

- LD47. Prior to grading plan approval, the following right-of-way dedications shall be shown on the plans. Right-of-way dedications shall be made, via separate instrument and submitted to the City for review and approval for a 4-foot pedestrian right-of-way dedication behind the Brodiaea Avenue project entrance driveway approach per City Standard 118C and the corner cut off right-of-way dedication at the southwest corner of Brodiaea Avenue and Moreno Beach Drive per City Standard 208.**
- LD48. Prior to grading plan approval, a 7-foot right-of-way vacation shall be shown on the plans. The legal description and plat shall be prepared and submitted for review and approval for the 7-foot strip of street right-of-way to be vacated on the south side of Brodiaea Avenue along project frontage.**

- LD49.** Prior to any grading plan approval, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of the top or toe of slope. If the vertical height of the slope exceeds 10 feet, this set-back area shall be 3 feet minimum.
- LD50.** Prior to grading plan approval, the grading plan shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.
- LD51.** Prior to building permit issuance, the developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.
- a.** Brodiaea Avenue, Collector, City Standard 107 (66-foot RW / 44-foot CC) shall be constructed to half-width plus an additional 12 feet north of the centerline, along the entire project's north frontage. A 7-foot right-of-way vacation on the south side of the street, along the project's north property line, is required by separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, in order to direct northerly offsite flows away from the project, the developer shall grade an earth swale within public right-of-way on the north side of Brodiaea Avenue along project frontage and beyond to connect to an existing swale west of the project. The swale shall be located 20 feet north of the centerline and shall be 4-foot wide at its base and 10-foot wide at its top as shown on the Preliminary Grading Plan.
 - b.** Moreno Beach Drive, City Standard 101A (134-foot RW / 110-foot CC). The developer shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way along project frontage. The applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements. In addition, a storm drain manhole shall be proposed near the right-of-way line at the southeast corner of the project where the private storm drain system will connect to the public storm drain in Moreno Beach Drive as shown on the Preliminary Grading Plan.

- LD52.** Prior to issuance of occupancy, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.
- LD53.** The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA11-0019 – Moreno Valley Assisted Living. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; “Riverside County Water Quality Management Plan for Urban Runoff” dated July 24, 2006. The F-WQMP shall be submitted and approved prior to application for and issuance of grading or building permits. At a minimum, the F-WQMP shall include the following: Site Design Best Management Practices (BMPs); Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.
- LD54.** The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project POC include: nutrients, organic compounds, and pathogens (bacteria and viruses). Exhibit C of the document, “Riverside County Water Quality Management Plan for Urban Runoff” dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs.
- LD55.** The Applicant has proposed to incorporate the use of an infiltration trench along the entire perimeter of the property. Final design details of the treatment control BMPs must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document.
- LD56.** The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.
- LD57.** The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate: that all structural BMPs have been constructed and installed in conformance with the approved plans and specifications; that all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications; that the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and that an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA11-0019 (CUP for a 139 bed senior assisted living facility)
APN: 486-250-021
09.27.11 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 **PA11-0019**; 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), C (Arterial Street Lighting), and M (Commercial, Industrial, and/or Multifamily Improved Median Maintenance). All assessable parcels therein shall be subject to annual Zone A, Zone C, and Zone M 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 Building Permit Issuance

- SD-3 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the

right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

- SD-4 (BP) 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 request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance. (California Government Code, GP Chapter 2.7)

- SD-5 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (California Government Code)
- SD-6 (BP) Prior to release of building permit, 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-7 (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.
- SD-8 (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
PA11-0019

Conditional Use Permit for a senior assisted living facility within R15 zoning located on the southwest corner of Moreno Beach Drive and Brodiaea Avenue.

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

Transportation Engineering Division – Conditions of Approval

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

GENERAL CONDITIONS

- TE1. Conditions of approval may be modified if project is phased or altered from any approved plans.
- TE2. Moreno Beach Drive is designated as a Divided Major Arterial (134’RW/110’CC) per City Standard Plan No. 101A. Roadway transitions may be necessary north and south of the project boundaries. Citywide Communication Conduits shall be installed along project frontage per City Standard Plan No. 421.**
- TE3. Brodiaea Avenue is designated as a Collector (66’RW/44’CC) per City Standard Plan No. 107. Any modifications or improvements undertaken by this project shall be consistent with the City’s standards for this facility.**

PRIOR TO GRADING PERMIT

- TE4. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for intersection improvements at Moreno Beach Drive and Brodiaea Avenue as identified in Condition TE9 for the City Traffic Engineer’s approval.**

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE5. The driveways in public right of way shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C.
- TE6. Sight distance at driveways and on streets shall conform to City of Moreno Valley Standard No. 125A, B, C at the time of preparation of final grading, landscape, and street improvements.

TE7. 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.

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer may be required.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection at Moreno Beach Drive and Brodiaea Avenue to provide the following:

Northbound: One left turn lane, one shared through/right turn lane

Southbound: One left turn lane, one shared through/right turn lane

Eastbound: One shared left turn/through/right turn lane

Westbound: One shared left turn/through/right turn lane

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE10. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE11. (CO) If gated entrances are to be provided from a public street, then they will be provided with the following, or as approved by the City Engineer:

- A. A storage lane with length sufficient to support two vehicles in queue (minimum of 60 feet).
- B. Signing and striping at the gate, including no parking signs.
- C. A separate pedestrian entry.
- D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE12. (CO) Prior to the issuance of a certificate of occupancy, the project applicant shall construct the intersection improvements identified in TE9. Construction shall be completed per the approved plans and coordinated with the street improvements.

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

TE13. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA11-0019
APN: 486-250-021
November 9, 2011**

PUBLIC WORKS DEPARTMENT

Moreno Valley Utility

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

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA11-0019; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3500. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

PRIOR TO ENERGIZING MVU ELECTRIC UTILITY SYSTEM AND CERTIFICATE OF OCCUPANCY

- MVU-1 (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
- MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution:** Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision

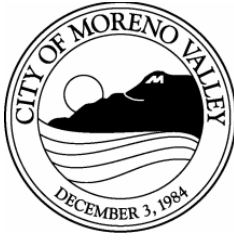
improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development may be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU-3 This project **is** subject to a Reimbursement Agreement. The project is responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. This project is subject to a Reimbursement Agreement, payment(s) shall be required prior to issuance of building permit(s).

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**INITIAL STUDY/
ENVIRONMENTAL CHECKLIST FORM
CITY OF MORENO VALLEY**

1. Project Title: PA11-0019 (Conditional Use Permit)
2. Lead Agency Name and Address: City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553
3. Contact Person and Phone Number: Mark Gross, Senior Planner (951) 413-3215
4. Project Location: Southwest corner of Moreno Beach Drive and Brodeia Ave

Project Sponsor's Name and Address: Charlene Kussner
Continental East Fund VII, LLC
41667 Ivy Street, Suite D-4
Murrieta, CA 92562

5. General Plan Designation: R15 (Residential 15)
6. Zoning: R15 (Residential 15)
7. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)

A Conditional Use Permit (CUP) for a phased 98,434 square foot 139 unit (155 bed) senior assisted living facility (Phases 1 and 2) on a 7.33 acre parcel of land within the R15 (Residential 15) land use district.

8. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)

Surrounded land uses include scattered single family residential uses to the, east, and west and north of the subject site. A retail project, including a 95,950 square foot commercial center with a Stater Bros. anchor market is located south of the project on the northwest corner of Cactus Avenue and Moreno Beach Drive.

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

ATTACHMENT 3

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below(■) would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a “potential significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature

Date

Printed Name

For

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
The site is generally flat. There will be no effect on a scenic vista.				
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
No historic buildings or rock outcroppings were evident. There are no large concentrations of trees or vegetation on the site. Based on the conditions of approval for the proposed residential development, any trees removed from the site will be replaced at a ratio of four provided for every one replaced.				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
The proposed project would not degrade the existing visual character or quality of the site or its surroundings and is considered a compatible land use to what is surrounding the site. Land uses abutting the subject site include scattered or single family development and a retail project, including an approved 95,950 square foot commercial center on the northwest corner of Cactus Avenue and Moreno Beach Drive.				
The subject site will be developed with roadway, and landscape according to Municipal Code and Specific Plan standards and design guidelines. The design guidelines provide a framework that ensures that any new development would be designed and constructed in a manner consistent with surrounding land uses. Therefore, the proposed project would be aesthetically similar to the surrounding commercial uses with regard to design, materials, colors, landscaping, and height.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
The proposed residential project would introduce some additional new light sources into the area, as the proposed commercial development would include outdoor lighting. The proposed project would be developed in accordance with the zoning ordinance and the General Plan. Therefore, all lighting for the project would be consistent with the lighting for other commercial developments that are included within the City of Moreno Valley. The project will be required to comply with Municipal Code provisions regarding light and glare. Development Code requirements, including shielding of proposed lights, will mitigate light and glare impacts on surrounding properties.				
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?				X
The site is not designated as prime farmland on current maps. Although the site may have been previously used for farming previously, it is currently vacant except for some scattered vacant and underutilized older buildings.				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
There is no existing agricultural use, or sites established under Williamson Act contract at this site.				
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
There is no immediate agricultural use on the site. The site may have been used for agriculture in the past; however the site is not designated for prime farmland. Some agricultural uses still surround the subject site.				
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
The site is located within the jurisdiction of the South Coast Air Quality Management District. Impacts from the proposed senior assisted living facility however, are less than significant for air quality as specific requirements included in current grading regulations contained in the Municipal Code would bring levels of air quality to less than significant levels. The proposed senior assisted living complex is considered less intense than the original comparable sized apartment complex project approved for the site back in 2006. Daily emission levels are included at a less than significant level, while the project would not obstruct implementation of the South Coast Air Quality Management Plan.				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
The proposed commercial project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project would not obstruct implementation of the South Coast Air Quality Management Plan.				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
The project will not result in a cumulatively considerable net increase of any criteria pollutant. The conclusion of previous an air quality study indicates that daily emission levels shall be included at a less than significant level, while the project would not obstruct implementation of the South Coast Air Quality Management Plan.				
d) Expose sensitive receptors to substantial pollutant concentrations?				X
The proposed commercial project will not result in substantial pollutant concentrations, and therefore will not expose people to these concentrations.				
e) Create objectionable odors affecting a substantial number of people?				X
The proposed project would not create any source of objectionable odors affecting other people.				
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?			X	
There are no recognizable drainage areas or riparian vegetation noted on the site and by any USGS maps reviewed. The site was free from any standing water. The property was walked east to west at intervals allowing for the observation of all the ground area of the site. Based on the requirements of the Multiple Species Habitat Conservation Plan (MSHCP), a Burrowing Owl and Habitat Assessment was completed for the approved commercial and proposed residential site. As concluded in the most recent Burrowing Owl survey on record the project file, there were no sightings of owl habitat or burrows on the subject property. A pre-construction survey is still warranted and will be required and conditioned before any grading of the site occurs. In addition, there was no indication of other evidence that wildlife might in some way use the property (e.g. no animal tracks or scat could be located on the site.) As conditioned, the proposed project will not result in the potential for impacts to fish and wildlife resources, as the site has been disturbed and no fish and wildlife has been observed.				
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Wildlife Service?				X
Based on a recent site inspection, no major riparian habitat or other sensitive community was found on the site. The site was free from standing water and condensed riparian vegetation that could warrant a habitat area for sensitive or endangered species. It is not anticipated that the proposed development would have a substantially adverse effect on existing land use conditions on the site.				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
The proposed project will not conflict with any General plan or local policies pertaining to the protection of biological resources. The project is consistent with the goals and objectives of the General Plan under the current residential or commercial land use designations. There are no federally protected wetland areas such as a marsh or vernal pool evident at the site.				
The project does not support any areas meeting wetland criteria under Section 404 of the Clean Water Act. Project design maintains existing hydrological patterns and does not present the potential for adverse impacts upon any downstream wetland areas.				
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
The proposed project will not conflict with any General plan or local policies pertaining to the protection of biological resources. The project site is an infill location well removed from hillsides and the San Jacinto Preserve areas that are the focus of local biological resource preservation programs. The project site is an infill location in an urban setting. The project is consistent with the goals and objectives of the General Plan and the Municipal Code related to the commercial land use designation.				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed project will not conflict with any General plan or local policies pertaining to the protection of biological resources. In addition, the project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?				X
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The proposed project and specific plan amendment will not conflict with the Stephen's Kangaroo Rat Habitat Conservation Plan (SKR HCP) pertaining to the protection of biological resources or any other known local, regional or state habitat conservation plans. If not previously paid, the SKR Habitat plan will require a fee of \$500.00 per acre to be paid by the developer to assist in setting aside established protection areas for said habitat.

The project site is within the plan area for the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). The project is outside the plan Criteria Area, does not support riparian resources, and is not within the special survey areas designated under the plan for narrow endemic plants, small mammals or amphibians. The proposed project will not conflict with the Riverside County Multi-species plan that was recently adopted. Multi-species mitigation fees will also be in affect and collected prior to building permit approval and support existing MSHCP conservation and management programs.

V. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
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Based on the review of the Cultural Resources Inventory for the City of Moreno Valley, (October 1987), there are no known archaeological resources on the site and the project would not cause substantial adverse change in the significance of historical resources.. Although the site may have been previously used for farming, it is currently vacant.

b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?				X
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Based on the review of the Cultural Resources Inventory for the City of Moreno Valley, (October 1987), there are no known archaeological resources on the site. There are no known paleontological or unique geological features on the site. Although the site may have been previously used for farming, it is currently vacant.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
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There are no known paleontological or unique geological features on the site.

d) Disturb any human remains, including those interred outside of formal cemeteries?				X
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There is no known location of archaeological resources, or human remains on the site. The standard condition of approval of any future development proposed for the site would be the requirement of work on the project to be terminated in the event that human remains are found on the site.

VI. GEOLOGY AND SOILS. Would the project:

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

(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
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The site is not within an Alquist-Priolo zone, or other designated fault hazard zone

(ii) Strong seismic ground shaking?			X	
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The nearest fault is the San Jacinto fault system, which lies approximately 2 miles east of the site. The San Andreas fault system is approximately than 25 miles from the site. The active Sierra Madre and San Gabriel fault zones lie roughly 35 and 40 miles respectively to the northwest of the site. The active Elsinore and Newport-Inglewood fault zones are included approximately 20 and 45 miles, respectively, to the southwest of the site. This faulting is not considered a significant constraint to development on the site with use of current development codes.

(iii) Seismic-related ground failure, including liquefaction?			X	
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It is anticipated that there will be a low chance of significant impact from surface fault rupture, seismic ground shaking or ground failure.

(iv) Landslides?				X
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Since the site is generally flat, there is no potential hazard related to landslides.

(b) Result in substantial soil erosion or the loss of topsoil?			X	
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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In the construction phase of development, exposed soils on the project site may be prone to erosion as a result of exposure to both wind and rain. Established regulatory programs of the South Coast Air Quality Management District (SCAQMD) and the California Regional Water Quality Control Board require implementation of known best management practices during construction. This issue will be addressed as part of standard construction of any proposed project, with such measures as watering to reduce dust and sandbagging, if required, during rainy periods. The Stormwater Pollution Prevention Plan required for compliance with RWQCB regulations details the applicable measures, the location of the application, and the responsibility for monitoring and maintenance of erosion control measures. Established City programs for grading permit issuance and construction inspection insure that erosion control plans are implemented during construction and that erosion impacts during project construction are less than significant. Once completed, the buildings, paving, landscaping and any water quality basins that will occupy the site will establish a condition presenting negligible potential for soil erosion.

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
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According to geotechnical information developed as part of the City's General Plan, the project site is not known to be exposed to any unstable geologic or soil conditions. Standard building code requirements establish standards for investigation of potential stability hazards and engineering design to address any identified stability issues. Established City procedures for plan check, permit issuance, and building inspection ensure incorporation of engineering recommendations in project design and construction.

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
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According to geotechnical information developed as part of the City's General Plan, the project site is not known to be exposed to any unstable geologic or soil conditions. Standard building code requirements establish standards for investigation of potential stability hazards and engineering design to address any identified stability issues. Established City procedures for plan check, permit issuance, and building inspection ensure incorporation of engineering recommendations in project design and construction.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
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The proposed project will be served by the regional sewer system operated by Eastern Municipal Water District. The proposed project will not impact soils or require the use of septic tanks or alternative wastewater disposal.				
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VII. GREENHOUSE GAS EMISSIONS. Would this project?

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
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Based on the fact that the number of senior assisted living units fell well below senior housing thresholds for requiring a traffic study, a qualitative rather than a quantitative approach will be taken. The City of Moreno Valley is currently in the process of preparing a Climate Action Plan. However, at this time, there are no widely accepted thresholds of significance for determining the impact of GHG emissions from an individual project, or from a cumulative standpoint. As provided for in the CEQA Guidelines (Section 15064.4), it is necessary for the lead agency to make a good-faith effort in considering GHG emissions on a project specific basis. Based on the limited scope of the project, and consistency with the General Plan and zoning, the City has chosen to rely on a qualitative analysis. A senior residential assisted living project is a permitted use and is consistent with the R15 land use district. To the extent possible based on scientific and factual data available, it has been determined that this project will not result in the generation of greenhouse gas emissions that will either directly or indirectly have a significant impact on the environment.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
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At this time, the project would not be in conflict with an applicable plan for reducing the emissions of greenhouse gases as there are no adopted plans for the purposes of reducing greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project?

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X
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The proposed land use and project is residential in nature. The proposed project would not create a significant hazard to the public or the environment and will not involve the routine transport, use or disposal of hazardous materials.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous				X
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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materials into the environment?				
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The proposed land use and project is residential in nature. The proposed project would not create a significant hazard to the public or the environment and will not involve the routine transport, use or disposal of hazardous materials.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?				X
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The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
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The project site is not located within an airport land use plan. The parcel of land is located approximately 5 miles northeast of the March Air Reserve Base.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
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There are no private airstrips within the City of Moreno Valley. The site is not within proximity of a private airstrip. Therefore, the proposed development would not result in a safety hazard pertaining to proximity of a private air strip.

g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
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The proposed project would not have any direct effect on an adopted emergency response plan, or emergency evacuation plan. The City has an adopted Hazardous Waste Management Plan (January 1991) as part of its General Plan, which addresses emergency response pertaining to hazardous materials. The City's emergency plans are also consistent with the General Plan. The proposed project would not be in conflict in any way with the emergency response or emergency evacuation plans.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
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The project site is not located within a designated wildland area where fires are possible.

IX. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?			X	
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.) The project will change the absorption rate of the site with the installation of hardscape; however the proposed project will have a negligible effect on groundwater supply. As with any urban project, runoff entering the storm drainage system would contain minor amounts of pollutants (including pesticides, fertilizers and motor oil). This could incrementally contribute to the degradation of surface and sub-surface water quality. Additionally, grading activities would temporarily expose soils to wind and water erosion that would contribute to downstream sedimentation.

A preliminary Water Quality Management Plan (WQMP) and drainage/hydrology study was reviewed and approved by the Land Development Division of Public Works for the proposed project site. Specific Best Management Practices (BMP's) for on and off site drainage will be incorporated into the project. A final WQMP is required to be reviewed and approved prior any grading permits established for the site.

The proposed project would comply with all drainage fees, permits and development guidelines associated with urban water runoff and discharge. Both project construction and operation are subject to established regulatory programs directed at avoiding violations of water quality standards and waste discharge requirements. Project construction activities are subject to implementation of a range of known best management practices (BMP's) as detailed in the required Storm Water Pollution Prevention Plan (SWPPP). The SWPPP details the applicable measures, the location of the application, and the responsibility for monitoring and maintenance of erosion control measures. Additionally, the project has been designed in accordance with the conditions of approval set forth by the City of Moreno Valley. These conditions address activities and practices that are required of projects developed within the City to help minimize the projects effect on the surrounding environs, and specifically in this case, water quality through measures such as dealing with the location and treatment of exposed soils. Established City programs for grading permit issuance and construction inspection ensure that the SWPPP BMP's are implemented during construction and that erosion impacts during project construction are less than significant. With the approval of the storm drainage facilities by the City Engineer and Riverside County Flood Control District, as well as complying with all applicable storm water discharge permits, impacts would be less than significant.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
The site is not subject to requirements of compliance for water supply as indicated within SB610 or 221. The Eastern Municipal Water District (EMWD) would provide the proposed project with water supplies as opposed to utilizing individual water wells. Water supplies are adequate to serve the proposed project. Although the project would cover a majority of the site with impervious surfaces, the landscaped areas would still provide a means for groundwater recharge. Impacts would be less than significant.				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
During construction of the proposed residential project, there is the potential for some sediment to be discharged within the storm water system. Erosion plans are required for projects prior to issuance of grading permits for prevention of substantial erosion. The site is not within the 100 year flood plain.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?			X	
The proposed project site is currently vacant and in a disturbed state. No major rivers or water sources exist within the project site. Therefore, project implementation would not result in modifications that could ultimately result in flooding on or off site. Impacts would be less than significant.				
Per the original Preliminary Hydrology Study dated January 17, 2007 for the commercial and residential project, the existing site condition shows flows entering the project site from the north. The offsite flows entering the project site from the existing offsite tributary area(s) total 41.1 CFS, during the 100-year storm event. The existing site generally drains from north to south, through the adjacent property to the south and ultimately to Cactus Avenue. In the proposed condition (the property will be developed with 112 town homes), the offsite flows from the north will be captured by a drainage swale/ditch running along the north side of Brodiaea Ave. The captured flows will then be routed west in the ditch, along Brodiaea Ave, to a storm drain in Brodiaea Ave per Tract 31129, approximately 650' west of the TTM 34215 project site's west PL. This project will be conditioned to construct a storm drain within Moreno Beach Drive from Brodiaea Ave connecting to the storm drain in Cactus Avenue to the south. The onsite flows will be conveyed via a combination of surface flow, swales, ribbon gutters and an onsite storm drain system. The onsite flows will ultimately join into the proposed offsite storm drain in Moreno beach Drive.				
During construction of the proposed residential project, there is the potential for some sediment to be discharged within the storm water. Erosion control plans are required for projects prior to issuance of grading permits for prevention substantial erosion. The site is not within the 100-year flood plain.				
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed residential assisted living project will change the absorption rate of the site with the installation of hardscape, however the proposal will have a negligible effect on groundwater supply. The proposal will be consistent with these planned stormwater drainage systems.

The proposed project is consistent with the goals and objectives of the City's General Plan. All storm drainage improvements would be developed to the standards of the City Engineer and the Riverside County Flood Control Agency. Additionally, the project has been designed in accordance with the City's standard conditions of approval, which includes measures pertaining to storm drainage facilities and runoff. The proposed project would not be impacted by the District Master Drainage Plan facilities or any other proposed facilities of regional interest, while drainage fees have been adopted pursuant to the Moreno Area Drainage Plan, which will need to be paid prior to the issuance of permits.

Pursuant to the requirements of the Santa Ana Regional Water Quality Control Board, a project specific Water Quality Management Plan (WQMP) is required of certain projects involving discretionary approval. This project requires a WQMP to address pollutants of concern which include sediment/turbidity, nutrients, oxygen demanding substances, and pathogens. Site Design and Source Control best management practices (BMP) are used throughout the project. Treatment BMPs shall be selected and implemented which are medium to highly effective in treating pollutants of concern. The applicant has proposed to incorporate the use of non-traditional sand filtration trenches (where the sand layer lies below the gravel layers) as the primary treatment BMP. Although this approach is acceptable in concept with the Preliminary WQMP, final sizing and specifications based on support calculations and design details will be provided in the Final WQMP at the post entitlement stage. The infiltration safety factor shall comply with WQMP requirements and have sufficient capacity to infiltrate the BMP design volume in 48 hours or less. The area required for the treatment BMP may be significantly larger than the area currently shown on the Site Plan, as part of Appendix B of the Preliminary WQMP.

f) Otherwise substantially degrade water quality?			X	
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As with any urban project, runoff entering the storm drainage system would contain minor amounts of pollutants (including pesticides, fertilizers and motor oil). This would incrementally contribute to the degradation of surface and sub-surface water quality. Additionally, grading activities would temporarily expose soils to water erosion that would contribute to downstream sedimentation. However, through the incorporation of the Conditions of Approval, construction activities would minimize the extent of erosion and runoff from the exposed soils. As the site is currently unpaved and exposed, development of the proposed project would lessen the existing site contribution to sediment runoff at project completion. With the approval of storm drainage facilities by the City Engineer and Riverside County Flood Control District, incorporating conditions of approval into the project's design, as well as complying with all applicable storm water discharge permits, impacts would be less than significant.

g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
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The proposed project site is not located within a 100-year flood hazard area as indicated by the General Plan and Federal Emergency Management Agency. The project has been designed according to the 100-year storm event as designed and conditioned by the project engineer. Consequently, the storm drainage system and pad location and placement have all been designed to adequately convey flows of such a magnitude. Based on the General Plan (Public Health and Safety Element, page 114), inundation of Perris Lake Dam would not affect this area of the city. Additionally, due to the position of the proposed project, mudflows from local mountains would be unlikely due to surrounding development. Therefore, impacts would be less than significant.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
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The site is not within a 100 year flood plain as shown on the Federal Emergency Management Agency maps. The site is designated as Zone X, which is defined as an area outside of the 500 year flood plain.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
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As the project is not located within a 100 year food plain, the proposed project and site would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam

j) Inundation by seiche, tsunami, or mudflow?				X
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The site is not identified in the General Plan as a location subject to seiche, or mudflow.

X. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?				X
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed residential project includes a senior assisted living facility that is proposed to provide 139 units in an enclosed building complex. The proposed land use is consistent with the General Plan and zoning consisting of the R15 land use district.

The proposed project will be developed on one established parcel of land, while the proposed residential component and specific plan amendment would not physically divide an established community.

b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
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The project lies immediately adjacent to Moreno Beach Drive and Cactus Avenue, with a mixture of single-family residential and vacant residential land surrounding the subject site. The commercial project is consistent with the existing land uses in the general vicinity as included in the Moreno Valley land use map. The project will not cause conflict with an applicable land use plan, policy or regulation by the city.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
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The project site is outside the plan Criteria Area, does not support riparian resources, and is not within the special survey areas designated under the plan for narrow endemic plants, small mammals, or amphibians. The project is in conformance with provisions for the Burrowing Owl. Fees are provided for general support of MSHCP conservation and management programs.

The project site is not within a reserve area established under the Stephen's Kangaroo Rat Habitat Conservation Plan (SKR HCP), The proposed project will not conflict with the Stephen's Kangaroo Rat Habitat Conservation Plan (SKR HCP) pertaining to the protection of biological resources or any other known local, regional or state habitat conservation plans. If not previously paid, the SKR Habitat plan will require a fee of \$500.00 per acre to be paid by the developer to assist in setting aside established protection areas for said habitat.

XI. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
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The project site is located in an urbanized area with additional development occurring in the vicinity. No active mines, mineral recovery programs or mineral deposits are currently active within the project site or noted within the General Plan. Consequently, the development of the project site would not conflict with a mineral recovery plan as adopted by the General Plan or Specific Plan. No significant impacts would occur.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
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There are no locally important mineral resource recovery sites in proximity to the site.

XII. NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
---	--	--	---	--

With the proposed residential development, the potential exists for an increase in noise levels; however, there will be no substantial permanent increase in ambient noise levels with the proposed project. The potential would exist for both short and long-term impacts on ambient noise levels in the project vicinity. Based on performance standards within the Municipal Code, the use will not exceed a 55 DBA level.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
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The proposed residential project will not expose persons to or generate excessive groundbourne vibration or groundborne noise levels.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
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The project will not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Based on performance standards within the Municipal Code, the use will not exceed a 55 DBA level.

d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
--	--	--	---	--

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
During construction, there will be limited impact of noise from construction equipment. The Public Works Department has a standard condition of approval regarding the public nuisance aspect of the construction activities. The construction operations including building related activities and deliveries shall be restricted to Monday through Friday from 6:00 AM to 8:00 PM, excluding holidays, and from 7:00 AM to 8:00 PM on weekends and holidays, in accordance with City Municipal Code 8.14.040, unless otherwise extended or shortened by the City Engineer or Building Official.				
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
The project is not located within the area of an adopted airport land use plan. The project is not within the 65 CNEL level of March Air Reserve Base.				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
There is no private airstrip within the vicinity of the site, or within the City of Moreno Valley.				
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
The proposed residential project will include 139 unit senior assisted living complex. Additional infrastructure will be provided by the developer for the proposed commercial complex.				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
The site is currently vacant. As no residents live in any of the structures, housing will be displaced from the proposed residential and specific plan amendment project.				
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
The site is currently vacant and no residents live on the site, thus no people will be displaced from the proposed residential project.				
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			X	
The proposed project has incorporated the City's standard conditions of approval into its design. These standards include measures, which specifically address concerns regarding the Fire Prevention Bureau. Measures such as providing approved fire hydrants, fire flow requirements, mitigation impact fee programs and utilizing fire retardant materials have all been incorporated into the project's design. ISO ratings are given to fire fighting districts in order to rank their operation level. This scale ranges from one (1) the highest possible score, to a ten (10), the worst possible score. The City of Moreno Valley currently has an ISO rating of three (3), which is considered high. With the implementation of the conditions of approval of the project pertaining to Fire Services, impacts would be less than significant				
b) Police protection?			X	
Police protection to the project area is provided through the Moreno Valley Police. The Police Department was involved in the project review process. Conditions of approval have been included by Police Department to ensure health and safety is protected during construction. Development of the project site would increase the demand on the Police Department. The project will pay development impact fees related to Police Facilities. The project is consistent with the General Plan. With payment of impact fees, the commercial center proposed for this location would not over-burden their service ability in continuing to provide high quality police service.				
c) Schools?			X	
The project area is located within the Moreno Valley Unified School District. This project was transmitted to and reviewed by the Moreno Valley United School District. School fees will be required to be paid by the developer. Since the project is consistent with the General Plan, the Moreno Valley Unified School District will be able to adequately serve the students from the development, and therefore no potentially significant impact would occur.				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Parks?			X	
Parkland mitigation fees will be collected for new parks to be developed at a future date. As the project is consistent with the General Plan, all other public facilities can be adequately provided consistent with the General Plan.				
e) Other public facilities?			X	
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
The project would be conditioned to pay the appropriate development impact fees, Quimby fees, and any applicable fee in effect when building permits are issued. Due to the commercial nature of the project, the use will not generate additional need for recreation and parks.				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
Due to the commercial nature of the project, the use will not generate additional need for recreation and parks.				
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
<p>The threshold for requiring a traffic study on a senior housing project is 375 units. A 139 unit senior assisted living complex fell well below senior housing thresholds for requiring a traffic study, therefore a study was not required. The project does not exceed general plan density requirements and is less intensive than the previously approved multiple-family housing project or an actual senior housing complex. A senior assisted living project is less intensive than a senior housing complex, as residents do not drive to and from the site. The only traffic generated from this project would be from care staff and visitors. The project will not result in a substantial increase in vehicle trips or volume to capacity ratio.</p> <p>Although a Traffic Study is not required with this project, the Transportation Division provided the applicant the option of revising the existing traffic study completed for the previously proposed and approved multiple family housing project. The purpose of the revision is to modify some of the improvements improved in 2006 with the original, more intense housing complex. The Transportation Division has approved the revised study.</p> <p>The project and its use are consistent with existing general plan land use designation of Residential 15. (Residential – 15 Units per acre). The project contains pedestrian linkages from the commercial shopping center and internally and required bicycle parking to provide for enhanced pedestrian and vehicular travel.</p>				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
The proposed residential project is consistent with the most current Riverside County Congestion Management Plan. The City's General Plan has included policies that relate to travel demand measures and the project is consistent with the General Plan.				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
The proposed project would have no direct or indirect effect on air traffic patterns.				
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
As designed, the project will not result in any hazards. The project is not adjacent to any potential incompatible land uses				
e) Result in inadequate emergency access?				X
The proposed project will not directly impact emergency access.				
f) Conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed project will not conflict with adopted transportation policies, plans and programs regarding public transit, bicycle or pedestrian facilities or decrease the safety performance of such facilities. The project includes pedestrian pathways or internal/external linkages, required bicycle parking stalls that are consistent with current General Plan objectives and Municipal Code requirements.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
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Regarding new water and sewer service, the project has been determined to be able to be served by Eastern Municipal Water District (EMWD), and is not subject to the specific provisions and requirements under SB610 or 221. The developer will be providing sewer service based on the requirements of EMWD and the City of Moreno Valley.

Build-out of the Specific Plan Area was expected to result in an increase of runoff generated from the plan area, which in turn could result in the increase of floodwaters downstream. This increase in runoff was attributable to the increase of impervious surfaces planned within the project area. This increase in impervious surfaces was expected to result in an increase in peak runoff. All streets within the planning area were to be installed with a storm drainage conveyance system designed to provide 100-year storm protection according to the EMWD specifications.

b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
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The proposed project will not exceed wastewater requirements of the Regional Water Quality Control Board. The project would not require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, or require or result in the construction of new storm water drainage facilities, or expansion of existing facilities. Regarding new water and sewer service, the project has been determined to be able to be served by Eastern Municipal Water District. . Therefore, adequate water service can be provided.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
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This increase in impervious surfaces was expected to result in an increase in peak runoff. All streets within the planning area were to be installed with a storm drainage conveyance system designed to provide 100-year storm protection according to the EMWD specifications.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
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The project site is within the Moreno Area Drainage Plan, which is a part of the Riverside County Flood Control and Water Conservation District (RCFCWCD). As a part of the original Specific Plan, an area wide storm drain control system was designed. The storm drainage system would be designed to City and County Agency standards and existing storm drainage system. It should be noted that the project engineer designed the project based on a 100-year storm event as well as incorporating all applicable measures identified in the City's standard conditions of approval. Specifically, based on total water volume generated from a 100-year storm event and the associated rise in water inundation onto the project site from storm flows, all storm drainage facilities would be able to adequately convey storm flows without inundating the residential portions of the site. Therefore, no significant impacts would occur and it has been determined that adequate water service can be provided.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
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The storm drainage system would be designed to City and County Agency standards and existing storm drainage system. It should be noted that the project engineer designed the project based on a 100-year storm event as well as incorporating all applicable measures identified in the City's standard conditions of approval. Specifically, based on total water volume generated from a 100-year storm event and the associated rise in water inundation onto the project site from storm flows, all storm drainage facilities would be able to adequately convey storm flows without inundating the residential portions of the site. Therefore, no significant impacts would occur and it has been determined that adequate water service can be provided.

f)) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
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The needs of the project for solid waste capacity would be negligible.

g) Comply with federal, state, and local statues and regulations related to solid waste?				X
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The City is complying with State and Federal regulations regarding solid waste. All future projects will comply with the current policies regarding solid waste.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			X	
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The proposed project would not significantly degrade the quality of the environment or reduce the habitat of a fish or wildlife species, cause fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. There were no existing drainage and/or riparian located on the project site. The analysis in this Initial Study demonstrates that project and cumulative impacts would be less than significant. Finally, the project will not result in substantial adverse health effects on human beings.

The project does not have the potential to degrade the quality of the environment. The project site has been previously disturbed, and therefore, will have no significant impact on fish or wildlife resources. There are no historic structures on the site, and there will be no impact to historic resources.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
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The project will not result in impacts that are individually limited but cumulatively considerable. All proposed land configurations and land uses have been previously approved under the original General Plan.

The project would not significantly degrade the quality of the environment or reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The analysis in this Initial Study demonstrates that project and cumulative impacts would be less than significant. Finally, the project consists of a senior assisted living complex that would not result in substantial adverse health effects on human beings.

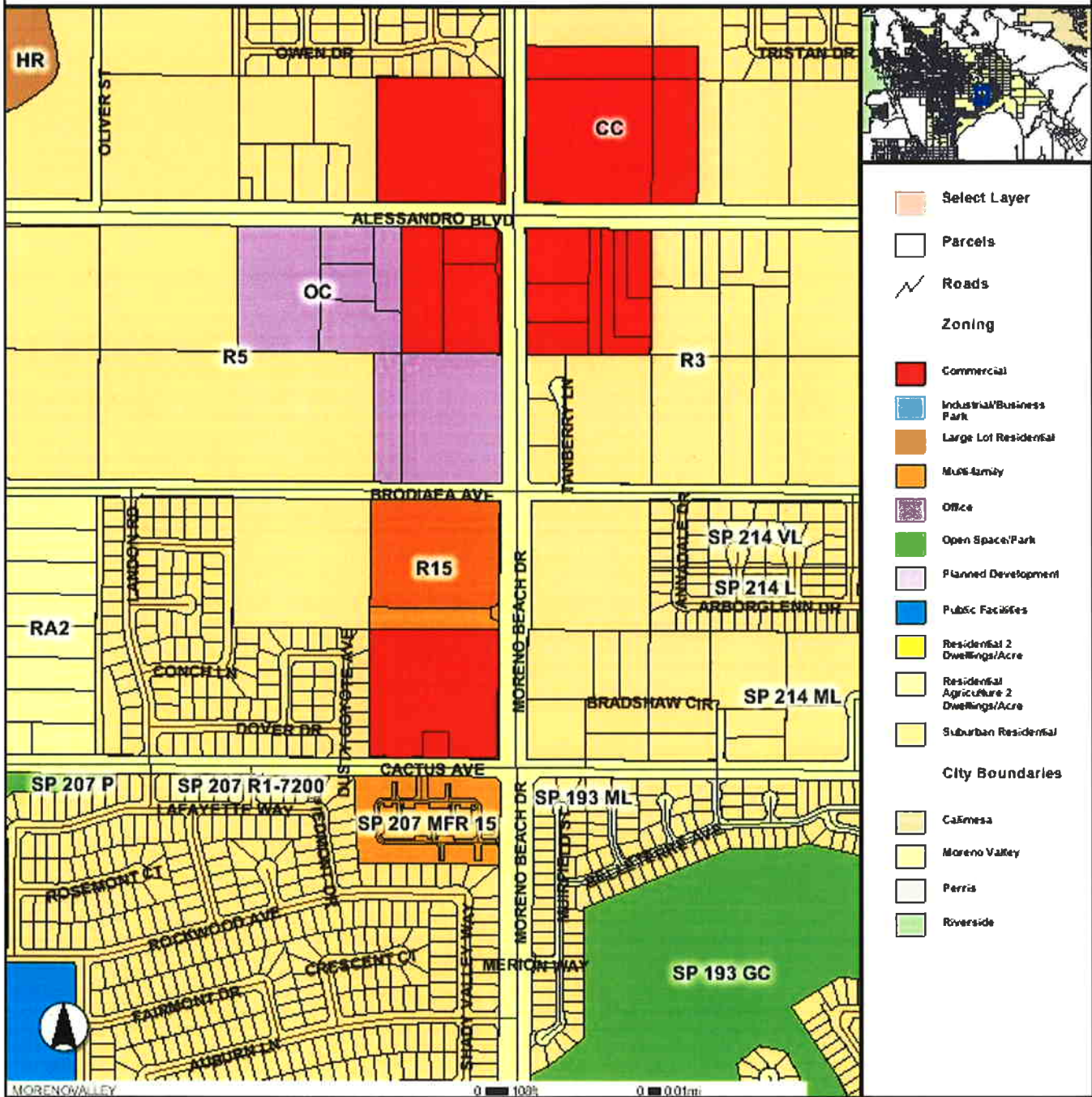
The proposed project will not result in impacts that are individually limited but cumulatively considerable. Thus, the proposed project will have a less than significant impact on the environment.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
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The proposed residential senior housing project would not result in substantial adverse health effects on human beings. Thus, the proposed residential project will not cause substantial adverse effects on human beings, either directly or indirectly.

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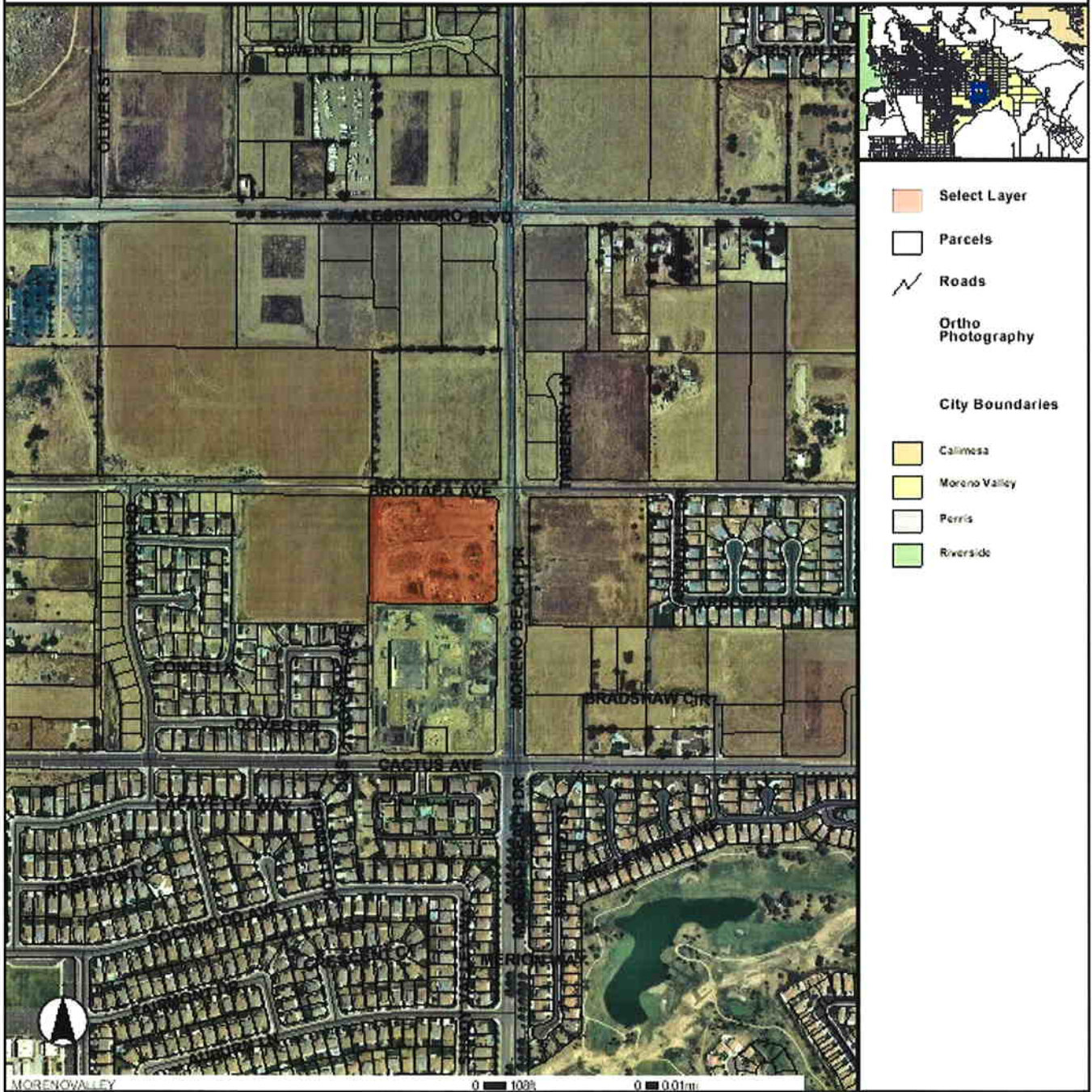
Zoning Map



ATTACHMENT 4

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AERIAL MAP



ATTACHMENT 5

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ATTACHMENT 6

Building Code Data

2010 California Building Code

Occupancy Classifications

Assembly and Dining	A-2
Recreation Building	A-3
Offices and Administration	B
Assisted Living Units	R-2.1

Occupancy Separations

A-2/B = 1 hour
A-2/R-2.1 = 2 hour

Fully Firesprinklered

Type of Construction = VA

One story

Acreage = 7.33 AC

Lobby/Administration Building

Function of Space	Area	Area/Occupant	Occupants
Lobby:	784 sq. ft.	100 sq.ft./occ.	8
Administration:	813 sq. ft.	100 sq.ft./occ.	9
Dining:	1,226 sq. ft.	15 sq.ft./occ.	82
Lounge:	1,517 sq. ft.	15 sq.ft./occ.	102
Card Room:	475 sq. ft.	50 sq.ft./occ.	10
Library:	369 sq. ft.	50 sq.ft./occ.	8
Mens & Womens Restrooms	562 sq. ft.	0 sq.ft./occ.	0
Bistro:	156 sq. ft.	200 sq.ft./occ.	0
Laundry/ Linen:	579 sq. ft.	200 sq.ft./occ.	3
Kitchen/ Bus:	2,255 sq. ft.	200 sq.ft./occ.	12
Circulation:	1,267 sq. ft.	100 sq.ft./occ.	13
Table Storage:	151 sq. ft.	300 sq.ft./occ.	0
Storage:	104 sq. ft.	300 sq.ft./occ.	0
Janitor/ Utilities:	129 sq. ft.	200 sq.ft./occ.	0
Total:	10,387 sq. ft.		247 Total

Recreation Building

Function of Space	Area	Area/Occupant	Occupants
Great Room:	889 sq. ft.	15 sq.ft./occ.	60
Fitness:	324 sq. ft.	50 sq.ft./occ.	7
Aerobics:	324 sq. ft.	50 sq.ft./occ.	7
Wii Room:	232 sq. ft.	50 sq.ft./occ.	5
Kitchen/Storage	284 sq. ft.	200 sq.ft./occ.	2
Restrooms (Men & Women):	410 sq. ft.	0 sq.ft./occ.	0
Storage:	63 sq. ft.	300 sq.ft./occ.	0
Janitors:	57 sq. ft.	200 sq.ft./occ.	0
Circulation:	41 sq. ft.	100 sq.ft./occ.	0
Total:	2,624 sq. ft.		81 Total

Restroom requirements

Individual units have private restrooms

Administration Building

247 Occupants (50% Men & 50% Women)

Minimum Fixtures

Men (124)	Women (124)
3 w.c. min. (3 provided)	4 w.c. min. (5 provided)
1 urinal min. (2 provided)	
4 lavatories min. (4 provided)	4 lavatories min. (5 provided)

Recreation Building

81 Occupants (50% Men & 50% Women)

Minimum Fixtures

Men (40.5)	Women (40.5)
2 w.c. min. (3 provided)	2 w.c. min. (4 provided)
1 urinal min. (2 provided)	
2 lavatories min. (2 provided)	2 lavatories min. (2 provided)

Square Footage Tabulation

Phase I - 100 Units

• Unit A: studio/1 bath	66 Units (66 Bedrooms)
• Unit B: 1 bedroom/1 bath	24 Units (24 Bedrooms)
• Unit C: 2 bedroom/2 bath	10 Units (20 Bedrooms)

Total: 100 Units (110 Bedrooms)

Unit and Circulation sq. ft.: 61,154 sq. ft.

Admin. Building sq. ft.: 10,387 sq. ft.

Recreation Building sq. ft.: 2,624 sq. ft.

Total Phase I sq. ft.: 74,165 sq. ft.

Phase II - 40 Units

• Unit A: studio/1 bath	17 Units (17 Bedrooms)
• Unit B: 1 bedroom/1 bath	16 Units (16 Bedrooms)
• Unit C: 2 bedroom/2 bath	6 Units (12 Bedrooms)

Total: 39 Units (45 Bedrooms)

Total Unit and Circulation

Square Footage: 24,269 sq. ft.

Total Phase II sq. ft.: 24,269 sq. ft.

Total Building Square Footage

Phases I & II: 98,434 sq. ft.

Total Unit & Bedroom Count for

Phases I & II: 139 Units (155 Bedrooms)

Parking Tabulation

Note: All stalls to be double striped per Municipal Code.

Note: Stalls to be 9' x 18' (16' deep with 2' overhang of curb.)

Phase I:

Unit Parking : 110 bedrooms

.4 space/bedroom = 44 spaces

Employee Parking: 17 employees

1 space/employee = 17 spaces

Total Parking required for Phase I: 61 spaces

Phase II:

Unit Parking : 45 bedrooms

.4 space/bedroom = 19 spaces

Employee Parking: 5 employees

1 space/employee = 5 spaces

Total Parking required for Phase II: 24 spaces

Total Required Parking:

Total Provided Parking:





Regular Spaces: 83 spaces

Handicap Spaces: 12 spaces (2 Van)

Total Parking Provided: 95 spaces

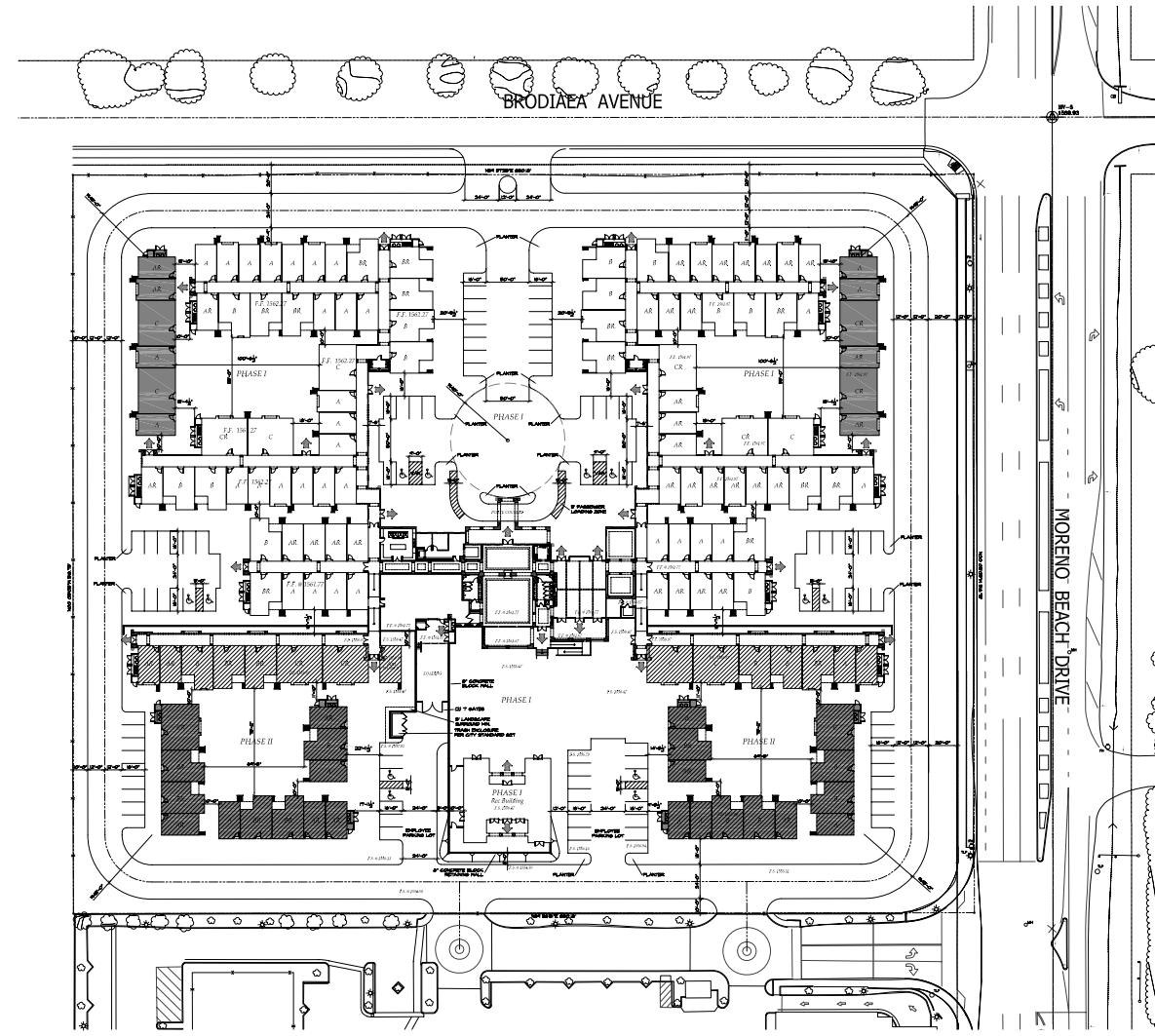
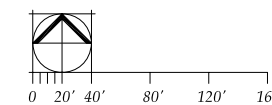
Trash Enclosure

Note: Trash Enclosure Design per City Standard 627.

-  Building Exit Locations
-  Exterior Units
-  Interior Units
-  Phase II

Architectural Site Plan

Scale: 1" = 40'-0"



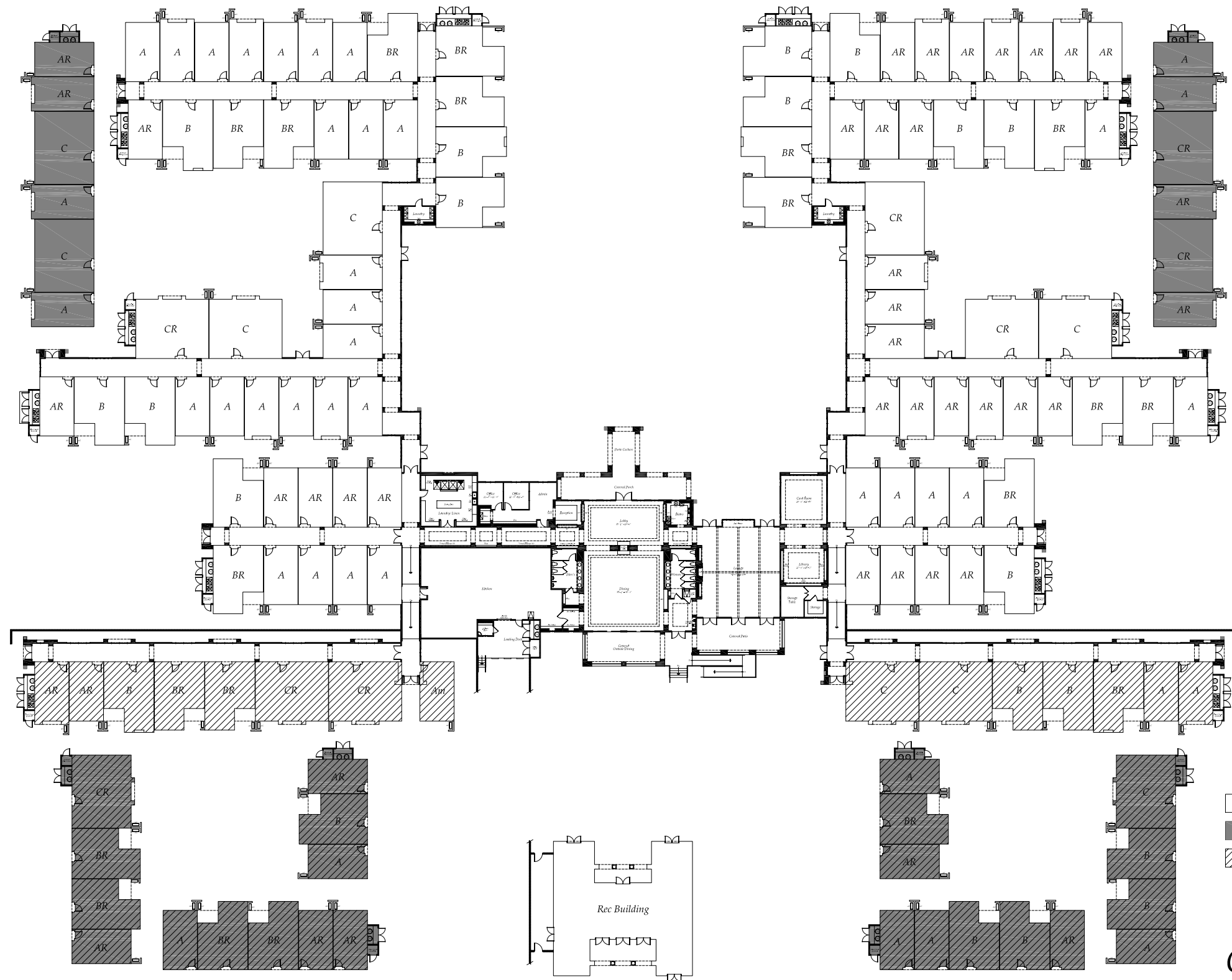
Continental East Development

Renaissance Village
of Moreno Valley



PEKAREK-CRANDELL, Inc.
architecture - planning

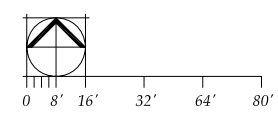
31411 camino capistrano, suite 300 949/ 487-2320
san juan capistrano, ca 92675 fax 949/ 487-2321
11-1-11 #11-03



- Interior Units
- Exterior Units
- Phase II

Overall Building Plans

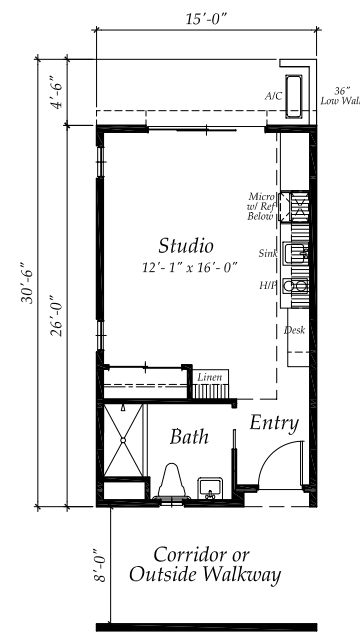
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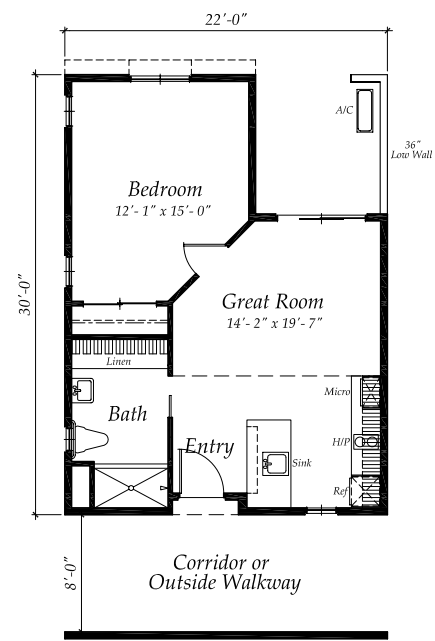
Continental East Development

Renaissance Village of Moreno Valley

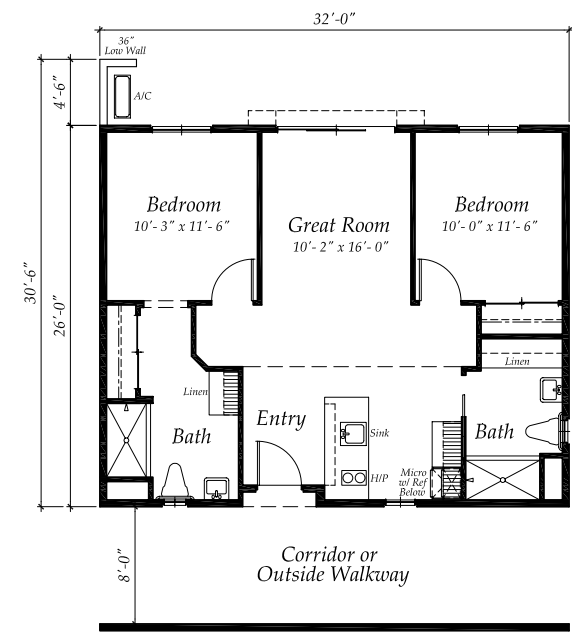
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san juan capistrano, ca 92675 fax 949/487-2321
11-1-11 #11-03



Unit A
379 sq. ft.



Unit B
564 sq. ft.



Unit C
816 sq. ft.

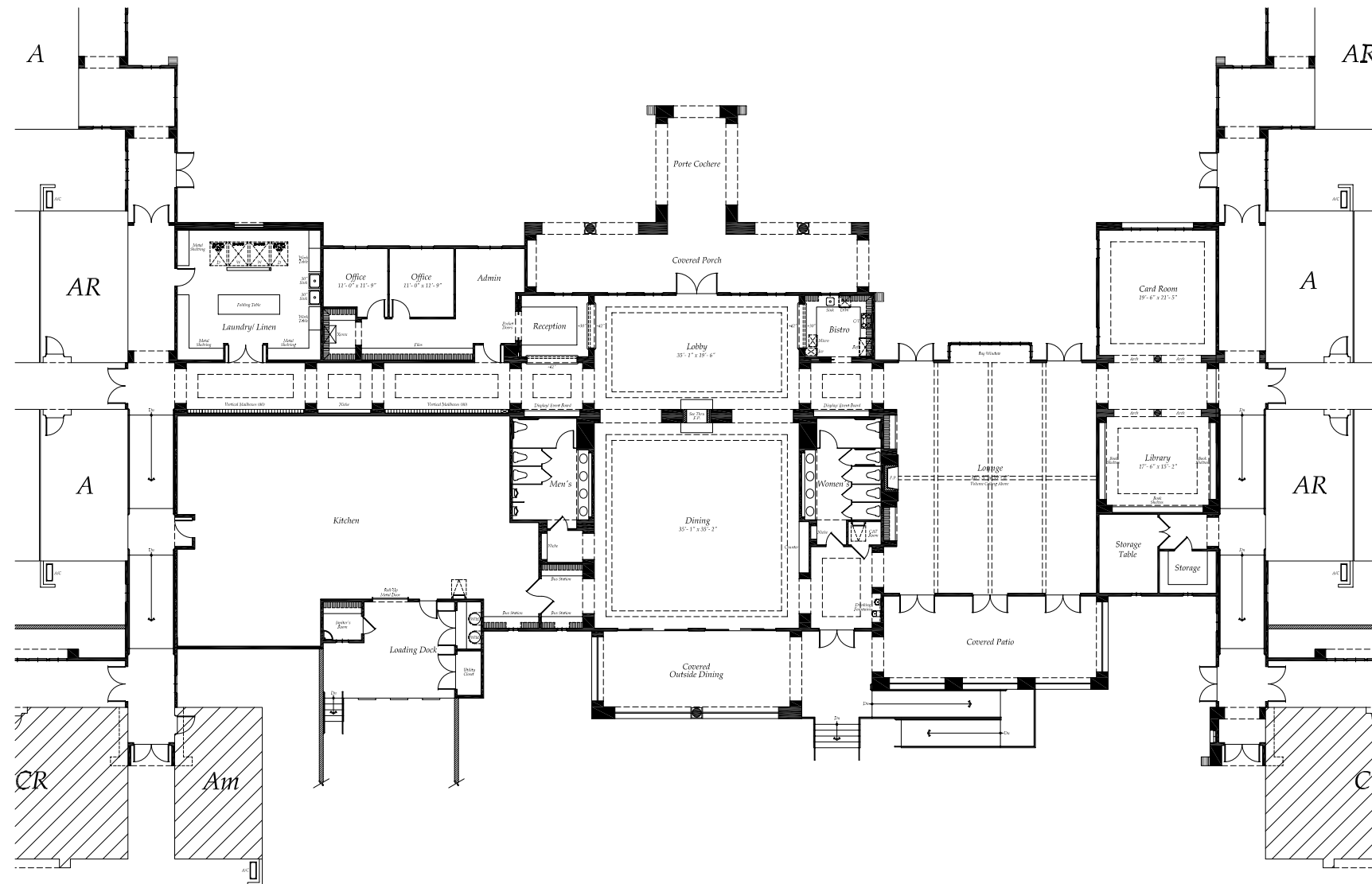
Unit Plans

Scale: 1/4" = 1'-0"



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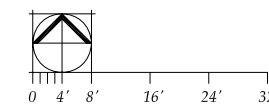


Square Footage

Lobby:	784 sq. ft.
Administration:	813 sq. ft.
Dining:	1,226 sq. ft.
Lounge:	1,517 sq. ft.
Card Room:	475 sq. ft.
Library:	369 sq. ft.
Men & Womens Restrooms:	562 sq. ft.
Bistro:	156 sq. ft.
Laundry/ Linen:	579 sq. ft.
Kitchen/ Bus:	2,255 sq. ft.
Circulation:	1,267 sq. ft.
Table Storage:	151 sq. ft.
Storage:	104 sq. ft.
Janitor/ Utilities:	129 sq. ft.
Total:	10,387 sq. ft.
Porte Cochere/ Covered Porch:	984 sq. ft.
Covered Patios	1,175 sq. ft.

**Floor Plan
10,387 sq. ft.**

Scale: 1/8" = 1'-0"



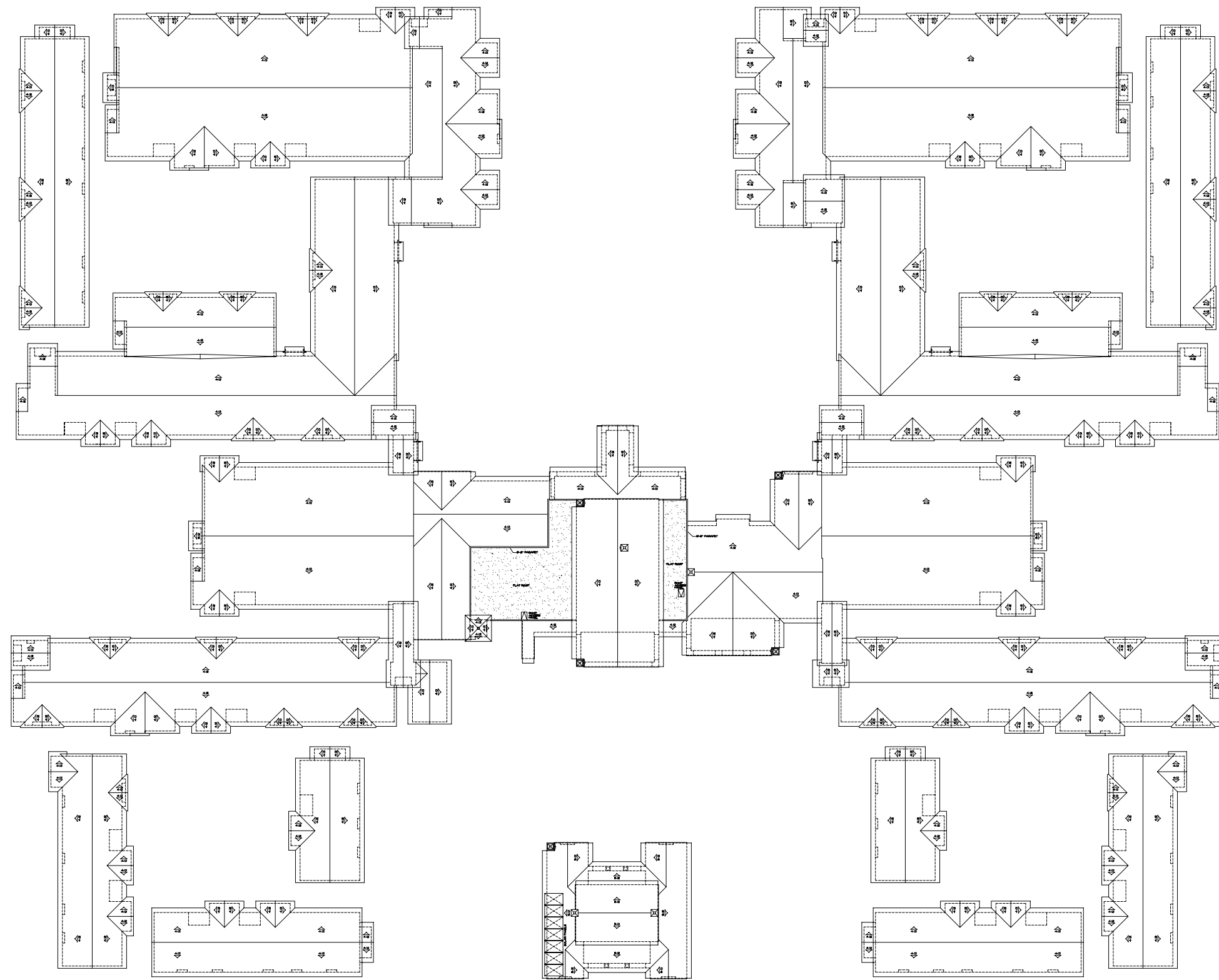
**Administration Building
Renaissance Village
of Moreno Valley**

Continental East Development



PEKAREK-CRANDELL, Inc.
architecture - planning

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san juan capistrano, ca 92675 fax 949/ 487-2321
11-1-11 #11-03

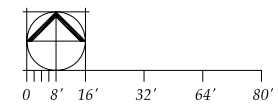


Roof Notes

1. All downspouts shall be interior to the building or be integrated into the building design including color.
2. Flat roof drainage pipes shall be located inside the exterior walls of the structure
3. Roof plan drainage to be directed to landscape areas.
4. All roof top equipment to be fully screened from public view on all sides of the property by roof parapet.

**Overall
Roof Plans**

Scale: 1/16" = 1'-0"

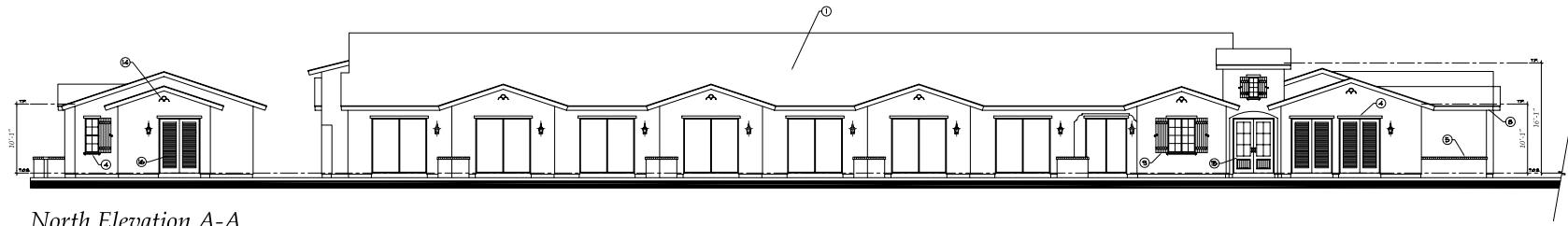


Continental East Development

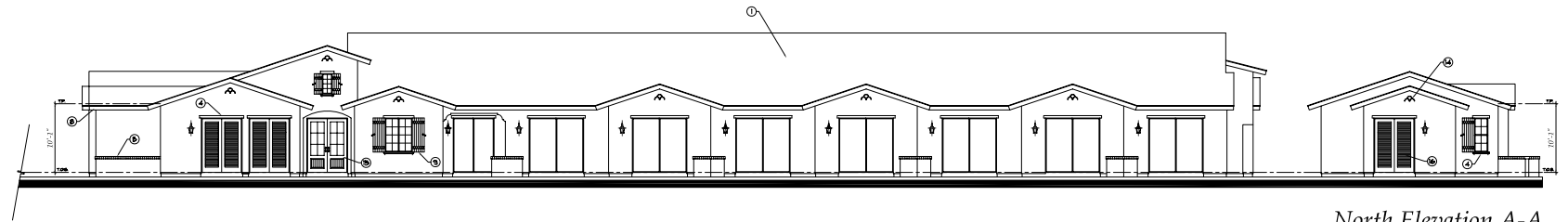
*Renaissance Village
of Moreno Valley*

PEKAREK-CRANDELL, Inc.
architecture - planning

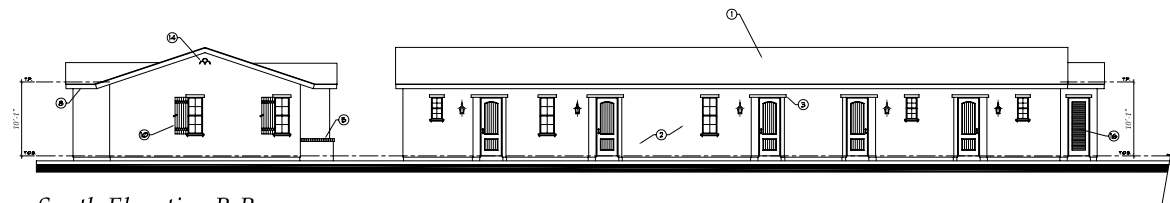
31411 camino capistrano, suite 300 949/487-2320
san juan capistrano, ca 92675 fax 949/487-2321
11-1-11 #11-03



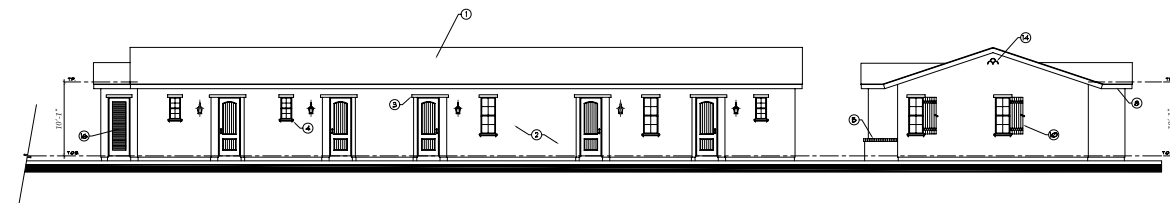
North Elevation A-A



North Elevation A-A



South Elevation B-B



East Elevation C-C

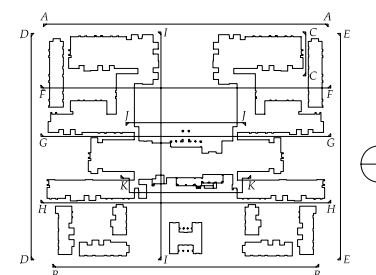
Elevation Notes

1. Some blank areas on elevations involve cut sheets and will not be visible from any of the four main elevations. See Key Plan.
2. All roof top equipment to be fully screened from public view on all sides of the property by roof parapet.
3. All building up-lighting to be done with landscape lighting.
4. All architectural wall hung fixtures will be down lighting.

Exterior Materials

- | | |
|---------------------------------|---|
| 1. Concrete "S" Tile | 10. Polyurethane Shutters |
| 2. Stucco w/ Sand Finish | 11. Precast Concrete Column |
| 3. Stucco of Foam Trim | 12. Precast Concrete Finial |
| 4. Stucco of Foam Sill | 13. Precast Concrete Rosette w/ Iron Detail |
| 5. Stucco Wall w/ Brick Cap | 14. False Clay Tile Vent |
| 6. Scalloped Stucco Eave Detail | 15. Aluminum Clad French Doors |
| 7. Wood Eyebrow Roof | 16. Metal Louvered Doors |
| 8. Wood Fascia | 17. Metal & Glass Railing |
| 9. Polyurethane Rafter Tails | 18. Metal Chimney Cap w/ Roofpile |

Key Plan



Exterior Elevations

Scale: 1/8" = 1'-0"



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architecture - planning

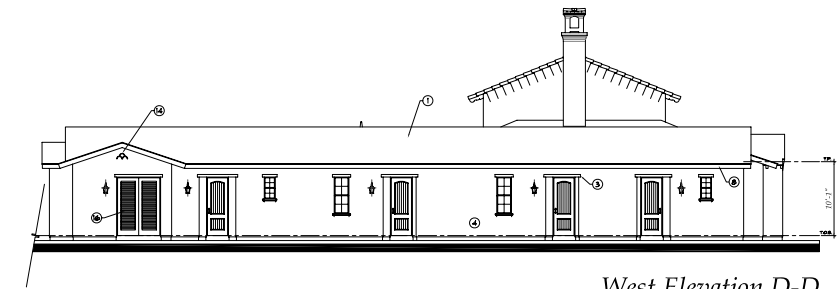
31411 camino capistrano, suite 300 949/487-2320
san juan capistrano, ca 92675 fax 949/487-2321
11-1-11 #11-03

Continental East Development

*Renaissance Village
of Moreno Valley*



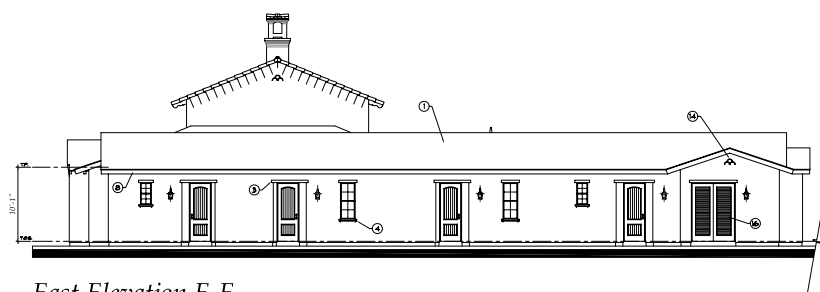
West Elevation D-D



West Elevation D-D



East Elevation E-E



East Elevation E-E

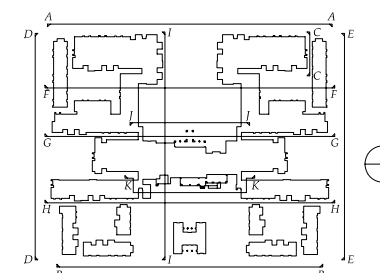
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| 9. Polyurethane Rafter Tails | 18. Metal Chimney Cap w/ Rooffile |

Key Plan



Exterior Elevations

Scale: 1/8" = 1'-0"

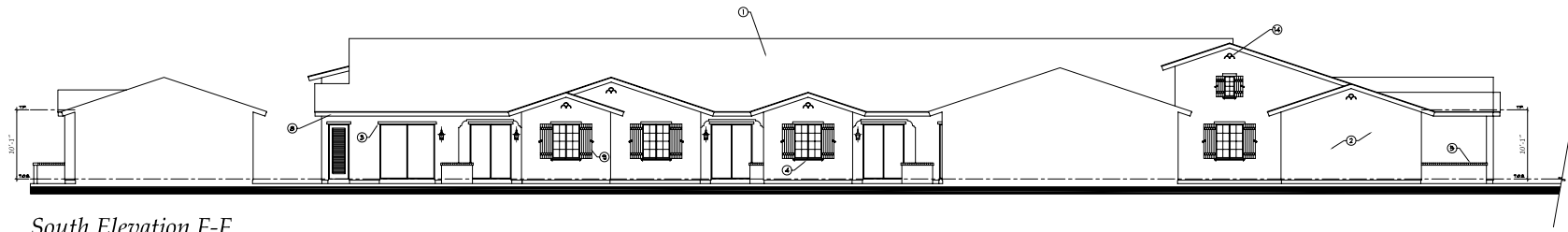


PEKAREK-CRANDELL, Inc.
architecture - planning

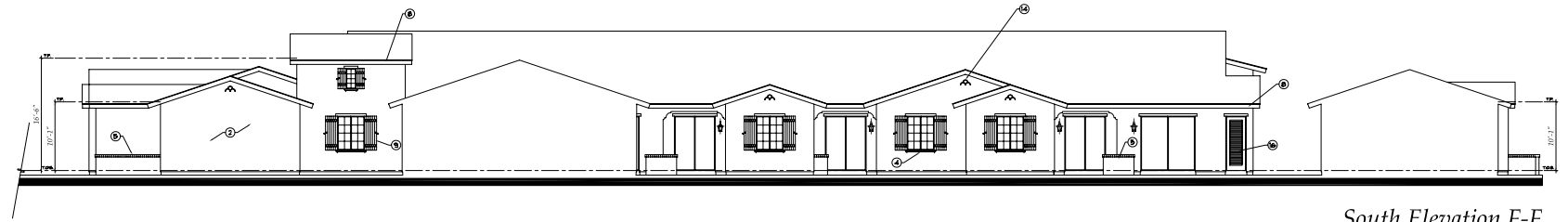
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san juan capistrano, ca 92675 fax 949/487-2321
11-1-11 #11-03

Continental East Development

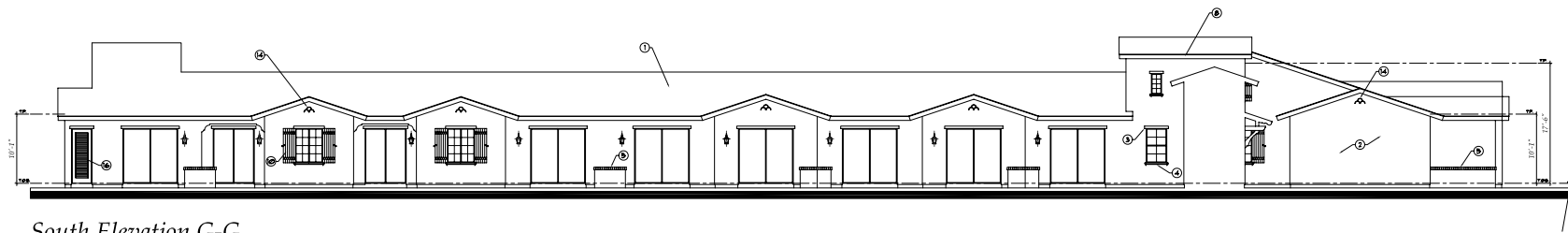
*Renaissance Village
of Moreno Valley*



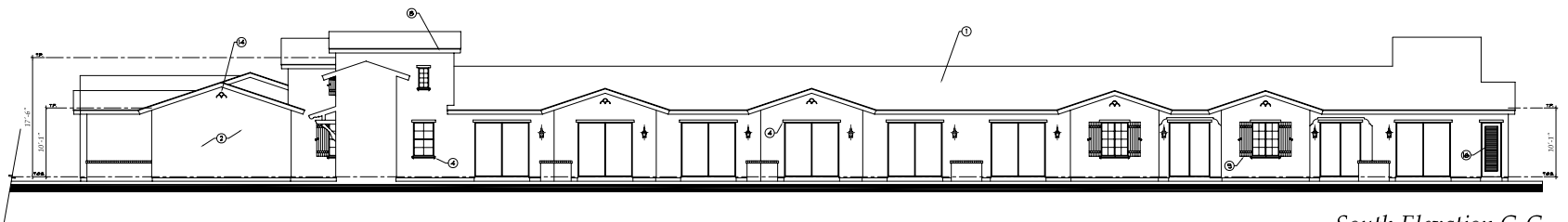
South Elevation F-F



South Elevation F-F



South Elevation G-G



South Elevation G-G

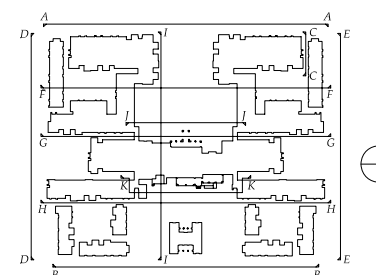
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| 8. Wood Fascia | 17. Metal & Glass Railing |
| 9. Polyurethane Rafter Tails | 18. Metal Chimney Cap w/ Roofline |

Key Plan



Exterior Elevations

Scale: 1/8" = 1'-0"

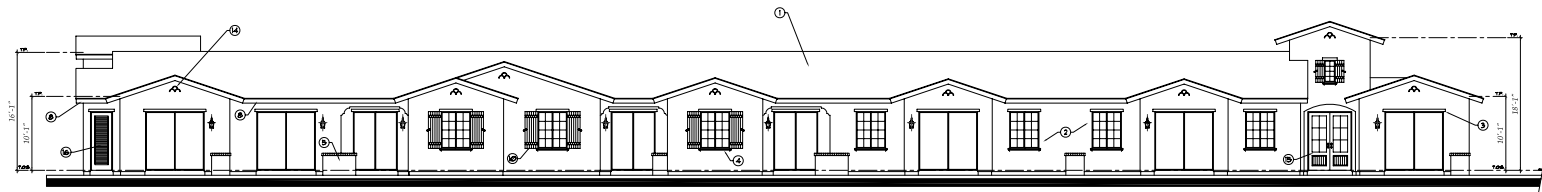


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architecture - planning

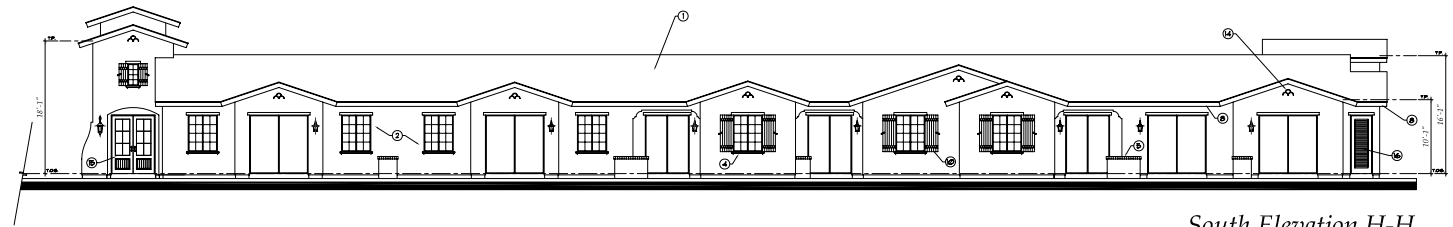
31411 camino capistrano, suite 300 949/487-2320
san juan capistrano, ca 92675 fax 949/487-2321
11-1-11 #11-03

Continental East Development

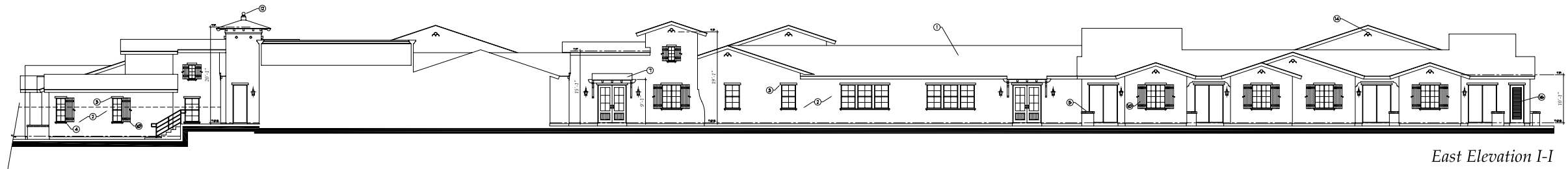
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of Moreno Valley*



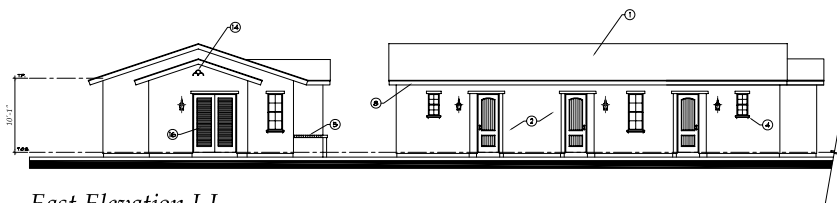
South Elevation H-H



South Elevation H-H



East Elevation I-I



East Elevation I-I

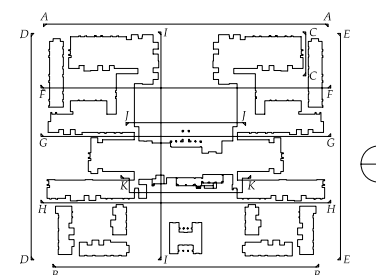
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Key Plan



Exterior Elevations

Scale: 1/8" = 1'-0"

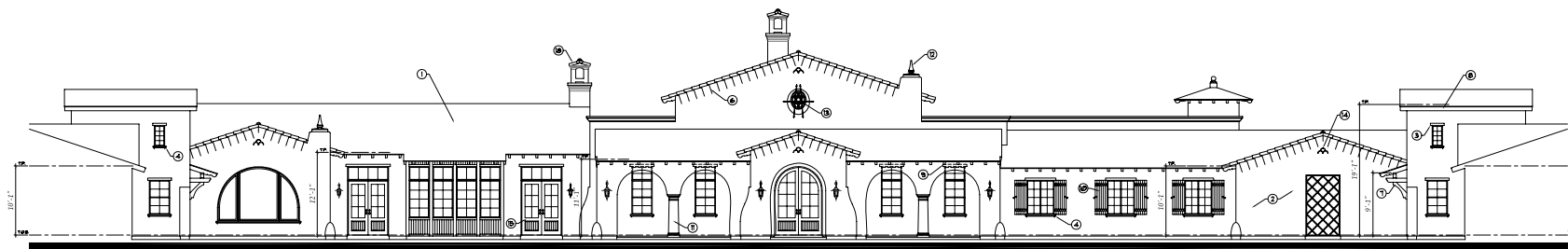


PEKAREK-CRANDELL, Inc.
architecture - planning

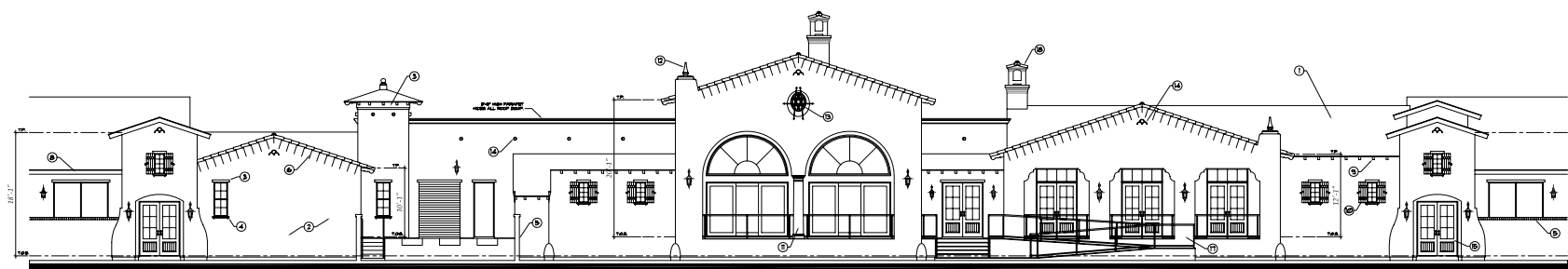
31411 camino capistrano, suite 300 949/487-2320
san juan capistrano, ca 92675 fax 949/487-2321
11-1-11 #11-03

Continental East Development

Renaissance Village
of Moreno Valley



North Elevation J-J



South Elevation K-K

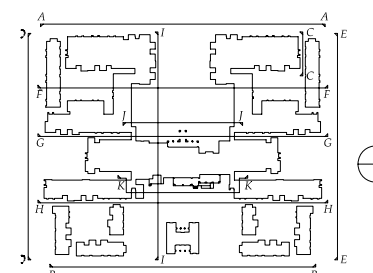
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4. ~~Architectural~~ architectural wall hung fixtures will be down

Exterior Materials

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Key Plan



Exterior Elevations

Scale: 1/8" = 1'-0"

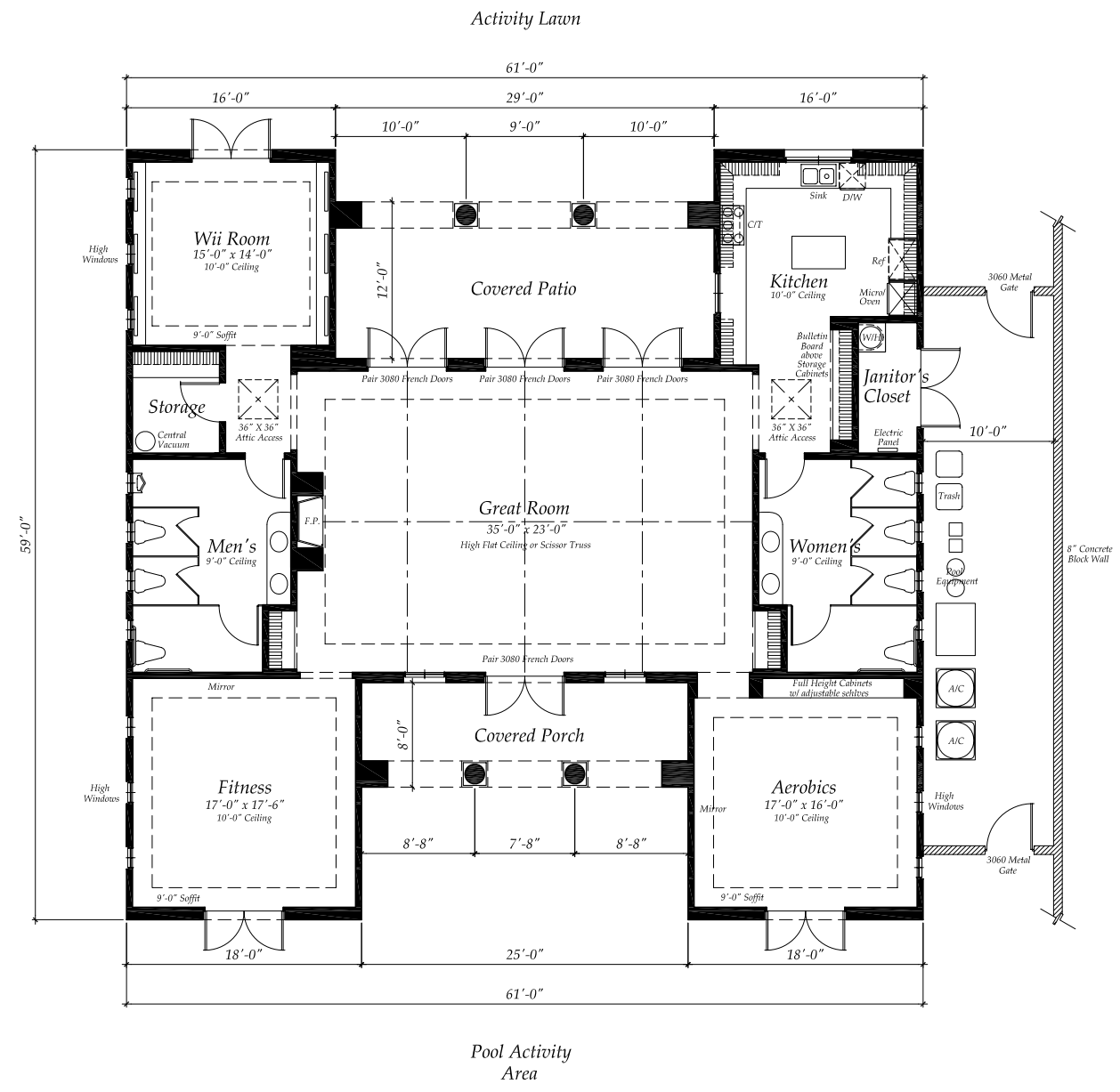


PEKAREK-CRANDELL, Inc.
architecture - planning

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san juan capistrano, ca 92675 fax 949/487-2321
11-1-11 #11-03

Continental East Development

*Renaissance Village
of Moreno Valley*

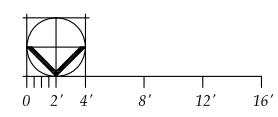


Square Footage

Great Room:	889 sq. ft.
Fitness Room:	324 sq. ft.
Aerobics Room:	324 sq. ft.
Wii Room:	232 sq. ft.
Kitchen/ Storage:	284 sq. ft.
Men & Womens Restrooms:	410 sq. ft.
Storage:	63 sq. ft.
Janitors:	57 sq. ft.
Circulation:	41 sq. ft.
Total:	2,619 sq. ft.
Covered Porch:	202 sq. ft.
Covered Patios:	357 sq. ft.

**Floor Plan
2,624 sq. ft.**

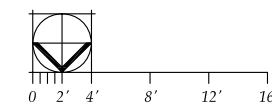
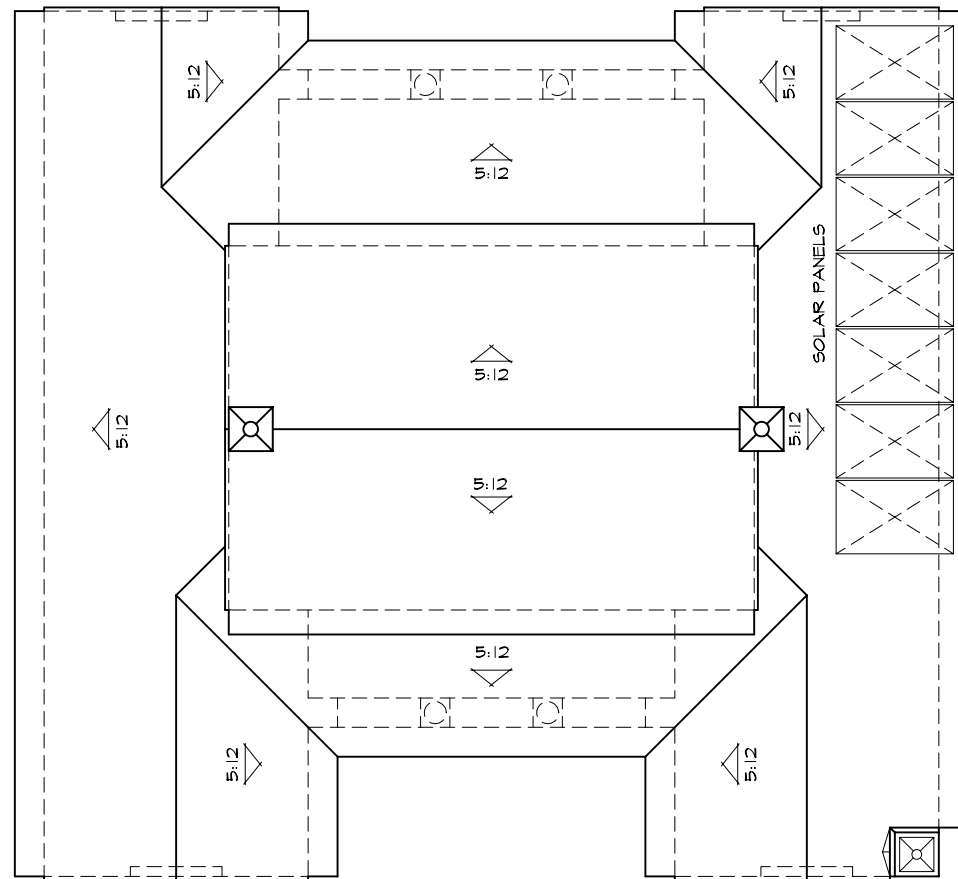
Scale: 1/4" = 1'-0"



Continental East Development

**Recreation Building
Renaissance Village
of Moreno Valley**

PEKAREK-CRANDELL, Inc.
architecture - planning
31411 camino capistrano, suite 300 949/ 487-2320
san juan capistrano, ca 92675 fax 949/ 487-2321
11-1-11 #11-03



Roof Plan

Scale: 1/4" = 1'-0"

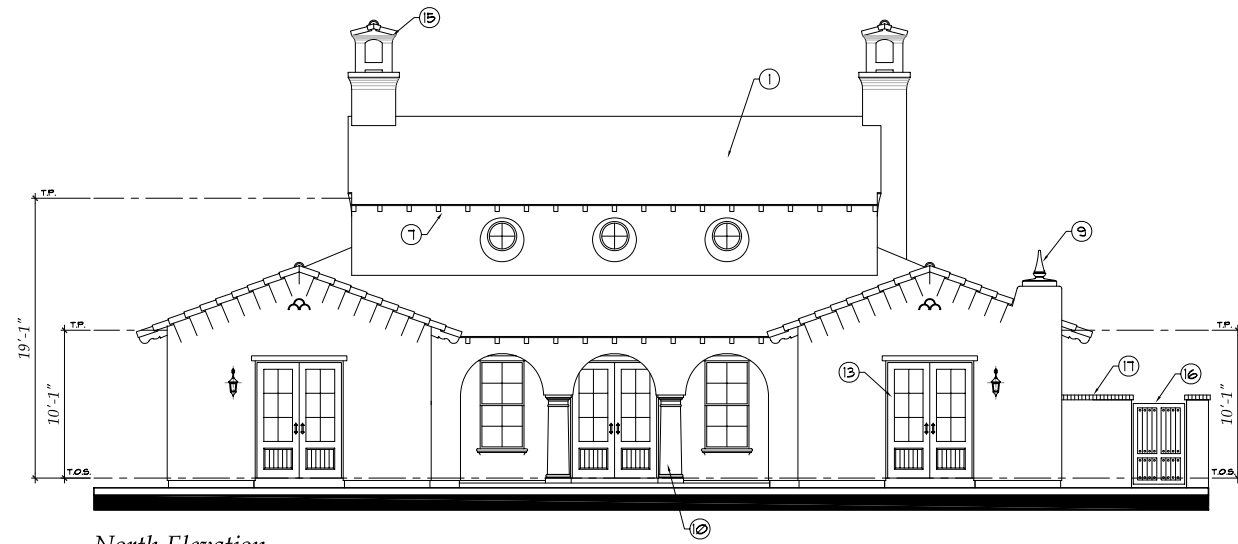


PEKAREK-CRANDELL, Inc.
architecture - planning

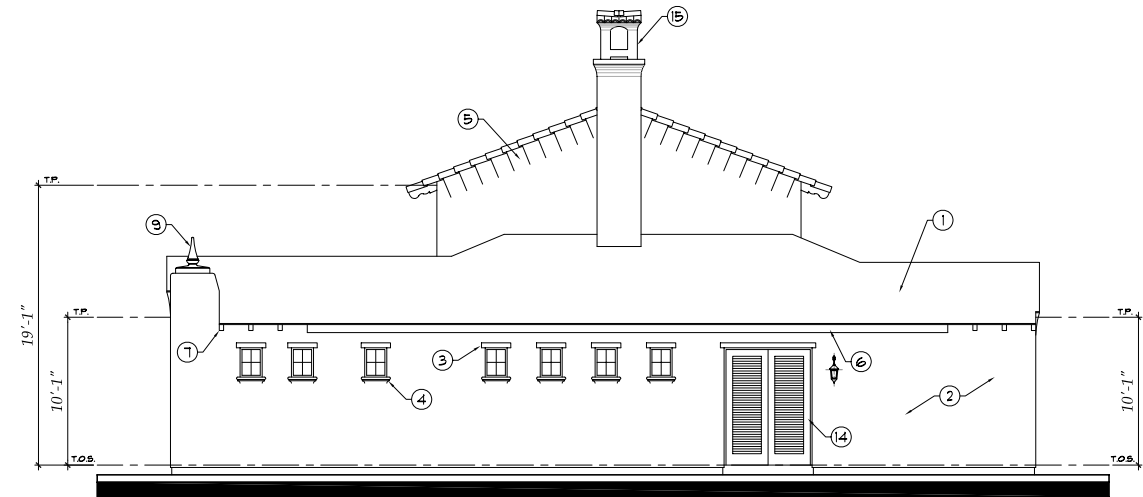
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san juan capistrano, ca 92675 fax 949/487-2321
11-1-11 #11-03

Continental East Development

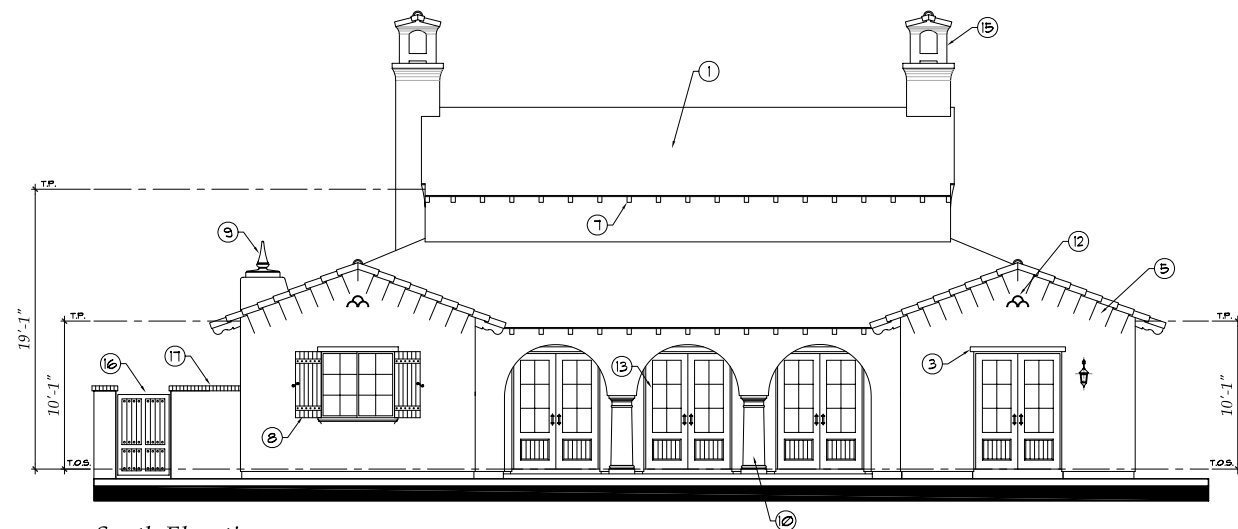
*Recreation Building
Renaissance Village
of Moreno Valley*



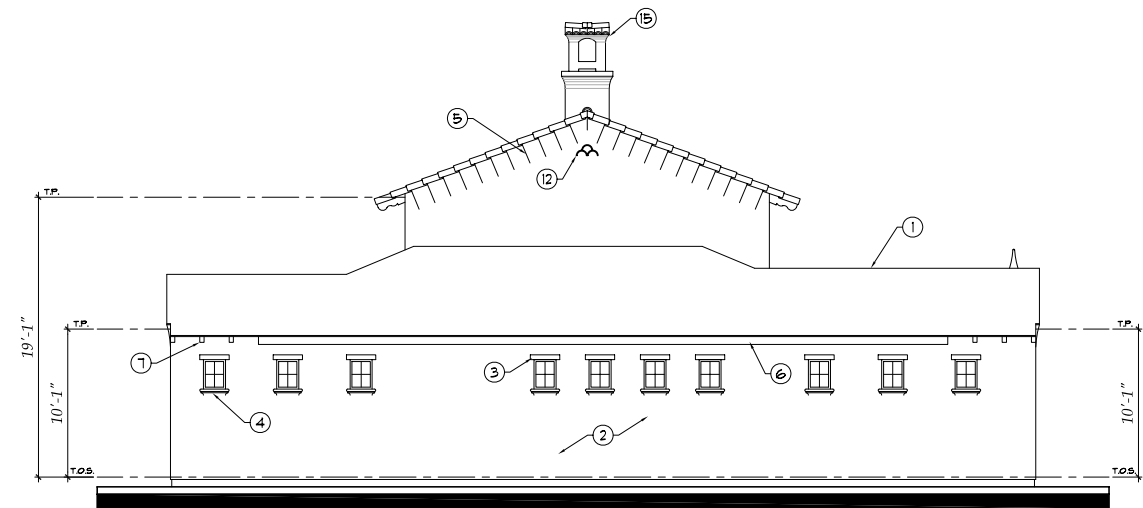
North Elevation



West Elevation



South Elevation



East Elevation

Exterior Materials

1. Concrete "S" Tile
2. Stucco w/ Sand Finish
3. Stucco of Foam Trim
4. Stucco of Foam Sill
5. Scalloped Stucco Eave Detail
6. Wood Fascia
7. Polyurethane Rafter Tails
8. Polyurethane Shutters
9. Precast Concrete Fintail
10. Precast Concrete Column
11. Metal Railing
12. False Clay Tile Vent
13. Aluminum Clad French Doors
14. Metal Louvered Doors
15. Metal Chimney Cap w/ Rooftile
16. Metal Gate
17. Stucco Wall w/ Brick Cap

Exterior Elevations

Scale: 1/4" = 1'-0"



PEKAREK-CRANDELL, Inc.
architecture - planning

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11-1-11 #11-03

Continental East Development

*Recreation Building
Renaissance Village
of Moreno Valley*



North Elevation



South Elevation

-84-

Continental East Development

*Administration Building
Assisted Living
MV-112
Moreno Valley, CA*

*Exterior
Elevations*

Scale: 1/4" = 1'-0"


PEKAREK-CRANDELL, Inc.
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 san juan capistrano, ca 92675 fax 949/ 487-2321
 9-15-11 #11-03



West Elevation



East Elevation

Continental East Development

*Renaissance Village
of Moreno Valley*

*Exterior
Elevations*

Scale: 1/8" = 1'-0"


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san juan capistrano, ca 92675 fax 949/ 487-2321
11-1-11 #11-03



North Elevation



South Elevation

*Recreation Building
Assisted Living*

MV-112
Moreno Valley, CA

Continental East Development

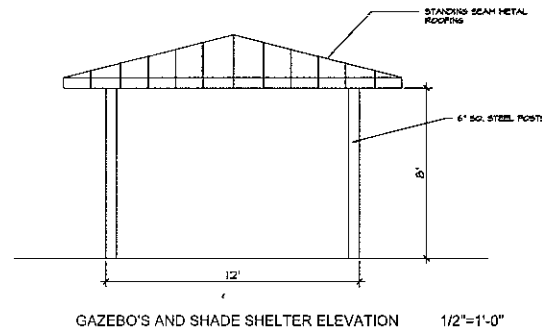
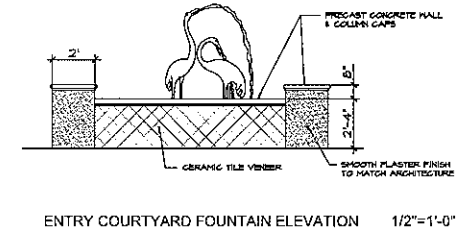
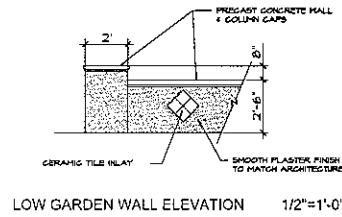
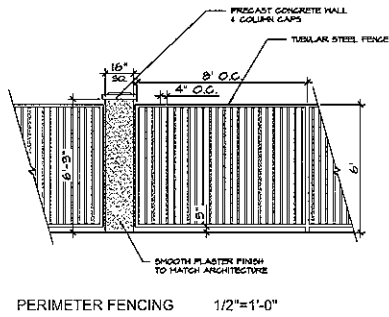
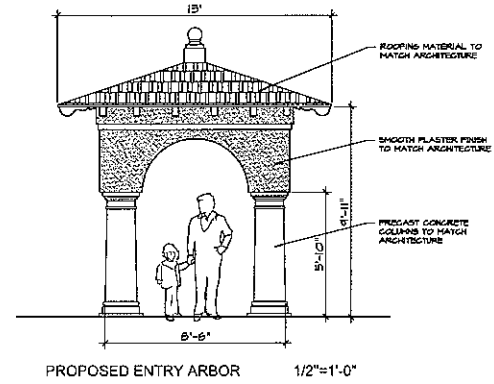
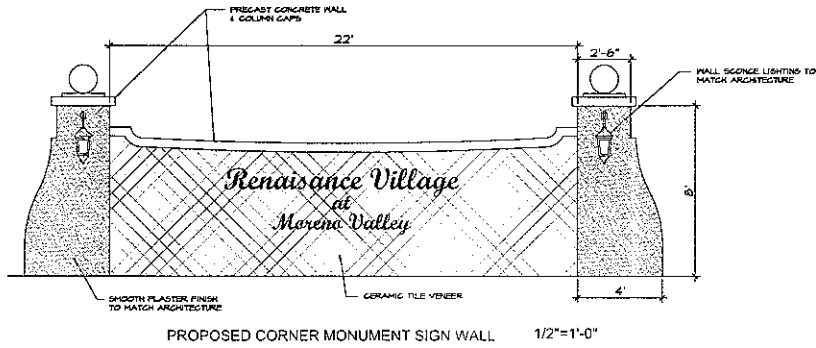
*Exterior
Elevations*

Scale: 1/4" = 1'-0"



PEKAREK-CRANDELL, Inc.
architecture - planning

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san juan capistrano, ca 92675 fax 949/ 487-2321
9-15-11 #11-03

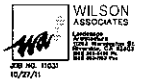


MORENO VALLEY ASSISTED LIVING

MORENO VALLEY, CALIFORNIA

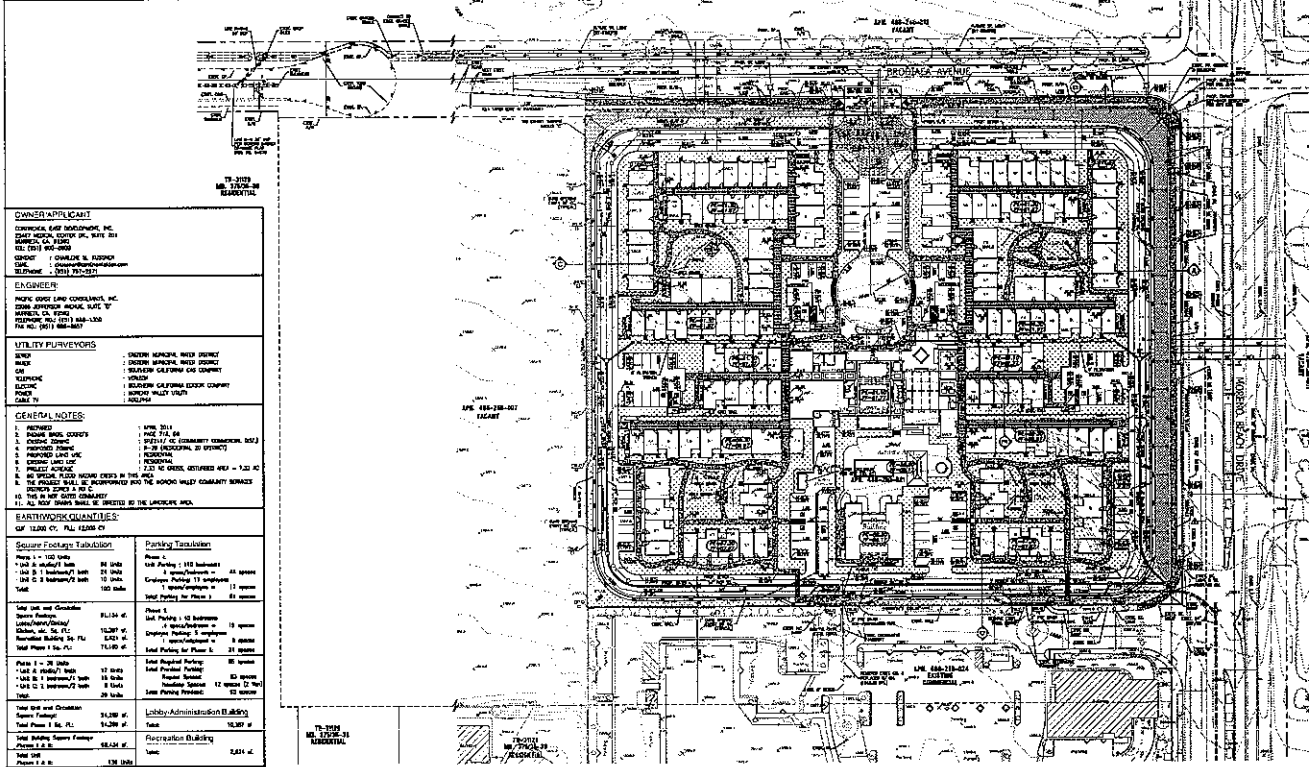
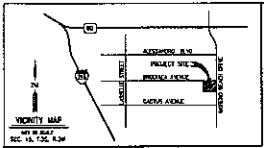
CONCEPTUAL LANDSCAPE PLAN

CONTINENTAL EAST DEVELOPMENT, INC.
25467 MEDICAL CENTER DR., SUITE 201
MURRIETA, CA 92562



PRELIMINARY GRADING PLAN CONDITIONAL USE PERMIT No. PA11-0019

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
APN 486-250-021



OWNER/APPLICANT:
PACIFIC COAST LAND CONSULTANTS, INC.
2300 JEFFERSON AVENUE, SUITE 100
DANA POINT, CA 92629
TEL: (949) 440-0000

ENGINEER:
PACIFIC COAST LAND CONSULTANTS, INC.
2300 JEFFERSON AVENUE, SUITE 100
DANA POINT, CA 92629
TEL: (949) 440-0000

UTILITY PURVEYORS:
WATER: SOUTHERN CALIFORNIA GAS COMPANY
GAS: SOUTHERN CALIFORNIA GAS COMPANY
ELECTRIC: SOUTHERN CALIFORNIA ELECTRIC COMPANY
CABLE TV: SOUTHERN CALIFORNIA TELEVISION

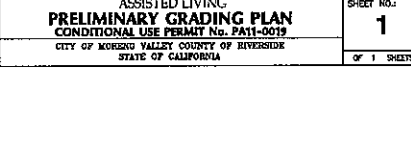
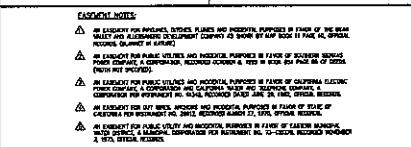
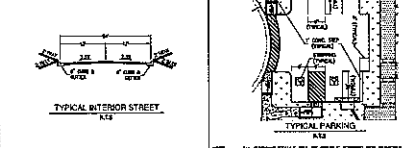
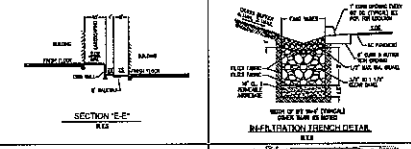
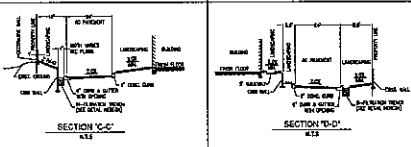
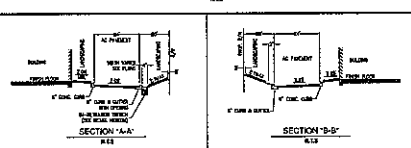
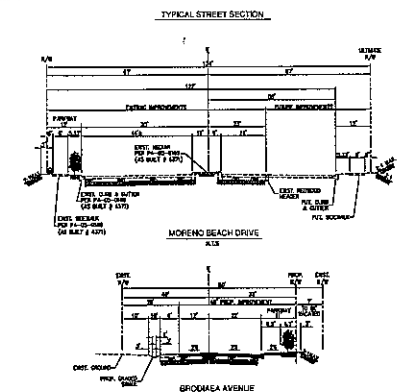
GENERAL NOTES:
1. REFER TO ALL SHEETS FOR GENERAL NOTES.
2. ALL DIMENSIONS ARE IN FEET AND INCHES.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. THE PROPOSED GRADING SHALL BE CONFORMED TO THE SLOPED VALLEY COMBINATION SURFACE.
5. ALL EXISTING UTILITIES SHALL BE PROTECTED AND MAINTAINED.
6. ALL NEW UTILITIES SHALL BE INSTALLED TO THE LANDSCAPE AND PROTECTED.

EARTHWORK QUANTITIES:
OF 1000 CY, FULL RANGE CY

Item	Quantity	Unit
Gravel	100	CY
Crushed Stone	100	CY
Fill	100	CY

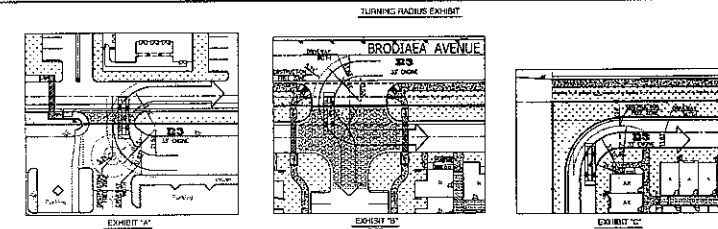
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SOUTHWEST CORNER OF BRODIAEA AVENUE AND MORENO BEACH DRIVE
486-250-021

LEGAL DESCRIPTION:
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LEGEND:

- PROPOSED GRADE
- EXISTING GRADE
- PROPOSED PAVEMENT
- EXISTING PAVEMENT
- PROPOSED CURB
- EXISTING CURB
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- PROPOSED DRIVE
- EXISTING DRIVE
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- PROPOSED DRIVE
- EXISTING DRIVE



PACIFIC COAST LAND CONSULTANTS, INC.
Civil Engineering • Land Planning • Land Surveying
2300 JEFFERSON AVENUE, SUITE 100
DANA POINT, CA 92629
TEL: (949) 440-0000

NO.	REVISION	BY	CHKD.

**ASSISTED LIVING
PRELIMINARY GRADING PLAN
CONDITIONAL USE PERMIT No. PA11-0019**
CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

SHEET NO.:
1
OF 1 SHEETS

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CONTINENTAL EAST

DEVELOPMENT INC.



Continental East Development (CED) possesses a unique ability to identify undervalued properties, some of which have not been listed publicly for sale, with great built-in value and equity.

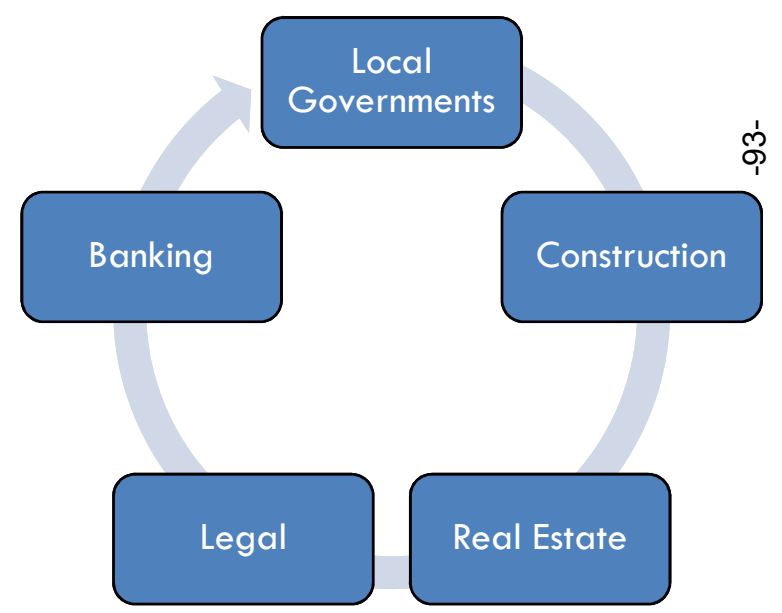


CED's experienced team of professionals has successfully identified, evaluated, and acquired properties before its competitors were able to act.

Continental East Development(CED) is a real estate development company with international resources.

Since 2009, CED and its subsidiaries have acquired approximately \$50,000,000 of under valued properties in Southern California without debt.

CED has extensive and well established business relationships with:



Continental East Development (CED) is a real estate development company with international resources. CED was launched in 2009 to take advantage of the distressed California real estate market and acquire commercial as well as large residential properties with significant value-added appreciation opportunities.

Originally established in Orange County, California, CED's current real estate investment focus has been concentrated on southwest Riverside County including properties located in Menifee, Moreno Valley, Murrieta and Temecula. CED is a financially secure, self-funded development company seeking new distressed real estate investment opportunities in California. To date, all CED real estate acquisitions have been debt-free.

CED's services include real estate acquisitions, planning, design consultation, construction management and property management services.

Some of the institutional real estate acquisitions of CED have included purchases from Comerica Bank, Central Pacific Bank, First California Bank, KeyBank and Bank Midwest. Continental East Development's headquarters are located in Murrieta, California.

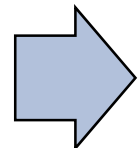


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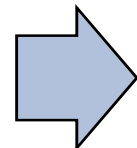


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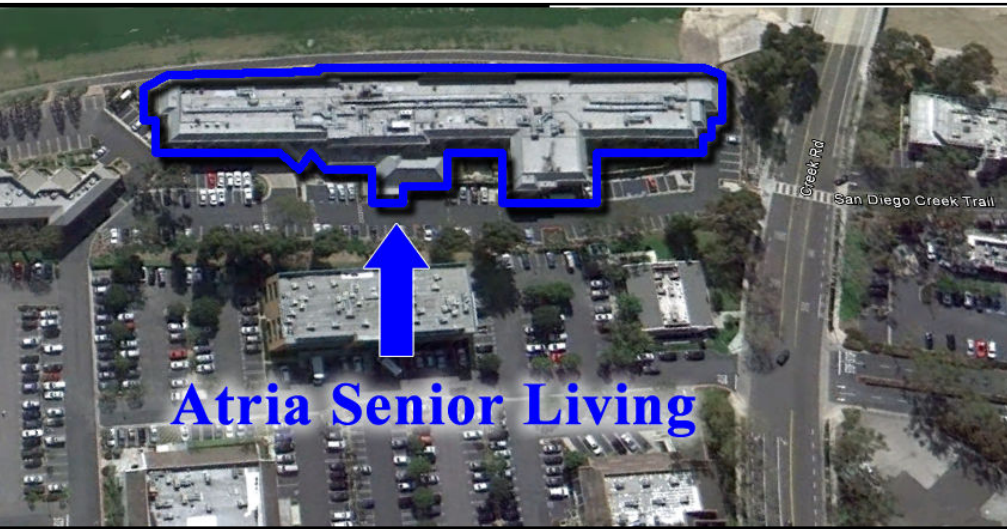
A two-story, 165,000/SF retirement community sited on 10 acres.



Oakmont Gardens offers a full range of services for active seniors to assisted care.



The Al Rattan Companies obtained a ground lease; master planned, engineered and entitled Oakmont Gardens in Santa Rosa, CA.



Located in the master-planned community of Woodbridge, Atria Golden Creek is nestled in the heart of Irvine, CA.

126 senior assisted care apartments

Engineered/constructed 104,000/SF project by the AI Rattan Companies

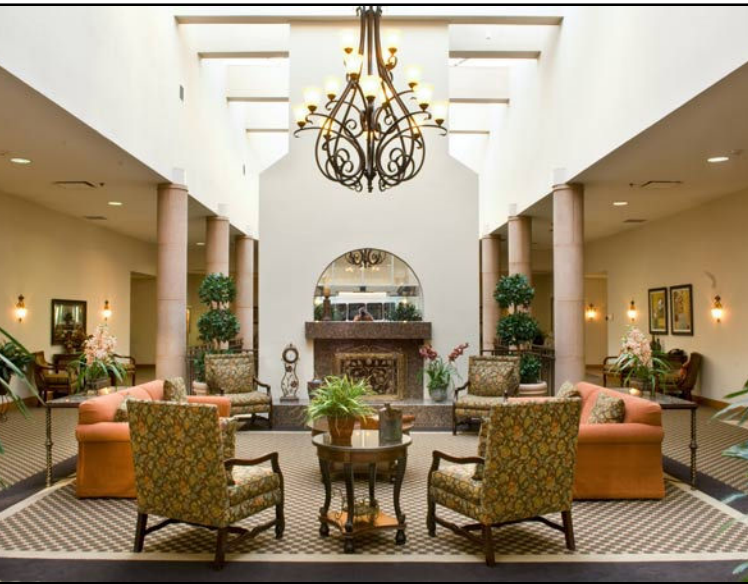




Canyon Hills Club is sited on 10 Acres in Anaheim Hills, CA

212 senior independent & assisted care living apartments offer spectacular views

The 225,000/SF master planned project was developed, entitled and constructed by the Al Rattan Companies



6-

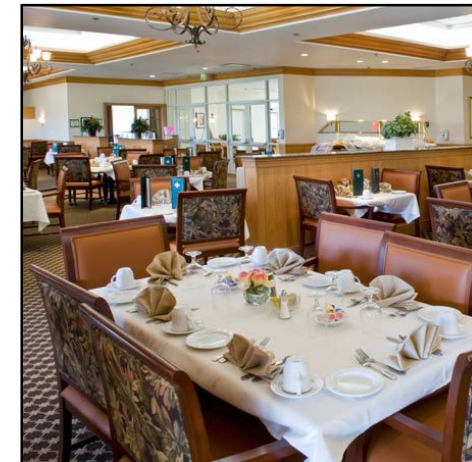
223 Independent & Assisted Living Apartments



Rattan Companies purchased and entitled the project



During the pre-construction phase, the project was sold to Bircher Pacific of Laguna Hills, CA



9

The Wellington – Laguna Hills, CA



In October 2010, CED acquired Renaissance Villages of Moreno Valley from Key Bank.

-100-

CED's acquisition strategy is to Re-entitle the +7 acre site previously approved for condo units, develop, and build a new planned 140 bed assisted care facility.



Renaissance Villages Moreno Valley Site Plan Tabulation

Phase I

Studio/1 Bath	66 Units
1 Bed/1 Bath	24 Units
2 Bed/2 Bath	10 Units
Phase I Total Units	100 Units
Phase I Square Footage	74,150

Phase II

Studio/1 Bath	17 Units
1 Bed/1 Bath	16 Units
2 Bed/2 Bath	6 Units
Phase II Total Units	39 Units
Phase II Square Footage	24,123
Total Building Square Footage	98,273

-101-



North Elevation



South Elevation

-102-



-103-

Renaissance Village of Moreno Valley



Renaissance Village of Moreno Valley

-104-



CONTINENTAL EAST
DEVELOPMENT INC.



Truong Pham

Chairman: Continental East Development

Email: TruongPham@continentaldev.com



Lydia Percia

Vice President: Continental East Development

Email: LydiaPercia@continentaldev.com



Al Rattan

President: Continental East Development

Email: AlRattan@continentaldev.com



Charlene Kussner

Project Manager: Continental East Development

Email: CKussner@continentaldev.com

-105-

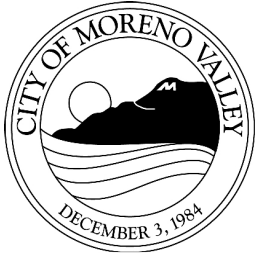
Office Phone: 951-600-8600

Website: www.continentaleastdevelopment.com

Fax Number: 951-600-0080

Address: 25467 Medical Center Dr. Murrieta, CA, 92562

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PLANNING COMMISSION STAFF REPORT

Case: PA11-0037 - Municipal Code Amendment

Date: December 8, 2011

Applicant: City of Moreno Valley

Representative: Albert Brady, Code & Neighborhood Services Official

Location: Citywide

Proposal: Municipal Code Amendment to establish regulations for the containment of shopping carts

Redevelopment Area: N/A

Recommendation: Approval

BACKGROUND

An abandoned shopping cart is defined as a wheeled cart located outside the premises parking lot or facility of the business establishment which furnishes the shopping cart for the use by its patrons. Unfortunately, shopping carts are often used by customers to carry groceries home and then are commonly discarded on the streets, sidewalks, or adjacent to the public right-of-way. These abandoned carts often obstruct pedestrian and vehicular traffic, create health and safety hazards to the public and are a source of blight throughout the City of Moreno Valley.

To address this issue, the City currently contracts with outside firm, Guzman Cart Retrieval Services (GCRS), for shopping cart collection Citywide. GCRS performs services daily conducting patrols of residential neighborhoods and responding to citizen concerns regarding abandoned carts. All carts collected by GCRS staff are returned to their respective stores at no charge to the market in accordance with State Law. GCRS is currently responsible for the collection and return of approximately 12,000 carts annually.

These services are costly and create a financial burden on the City of \$48,500 annually. While state law prohibits jurisdictions from charging markets for retrieval services, in most cases, the California Business & Professions Code does allow Municipalities to enact ordinances to regulate shopping cart containment and retrieval practices as long as the new provisions do not conflict with established law.

This matter was discussed at the Council Study session on May 17, 2011. At the meeting, City Council directed staff to develop an ordinance to require new markets and/or existing markets that change ownership and provide carts to their customers to install containment systems and/or methods.

DISCUSSION

Code & Neighborhood Services staff conducted research of 10 local jurisdictions' shopping cart containment programs in the development of the City's proposed ordinance. While each jurisdiction's ordinance was unique, they all shared common elements such as requiring stores/markets to submit a containment plan as part of the entitlement process. Businesses were required to prepare a plan to identify the containment method to be utilized, employ a retrieval service, develop an employee education program and educate their customers to cart removal statute.

These elements were considered in the development of the proposed ordinance as well as the guidelines provided by City Council at study session. After City Council adoption, the proposed shopping cart containment ordinance will apply to all new markets/stores with 10 carts or more. In addition, the ordinance will also require existing businesses that change ownership, as defined in MVMC Section 9.28.260(A)(1), to submit a plan to the Community & Economic Development Director. The new development standard is attached (Attachment 3). The proposed enforcement provision, Chapter 6.12, (Attachment 4) is included for informational purposes. The Commission review only covers the development standard since it's contained within the Planning and Zoning portion of the Municipal Code.

As previously stated, businesses will be required to include the cart containment method in the plan but the submittal will also require the following details:

- The name of the owner, and management employees and the physical address where the retail establishment is located.
- A complete cart inventory that shall include the total number of carts at the establishment.
- Signs affixed to every cart that will include ownership of the cart, notification to the public of the state law prohibiting possession or removal of the cart from the premises, telephone number and address for returning the cart.
- Signs, in English and Spanish, posted at all entrances, exists and cart storage areas advising customers of the State law prohibiting cart removal.
- Mandatory cart retrieval services are required for carts when the containment methods fail.
- Business owners will be required to implement an employee training program designed to educate personnel on State and City requirements.

- The plan must include a cart confinement area or a location where the carts will be secured after business hours.

It should be noted that the code allows for collaboration between two businesses that share common areas or parking lot. In this case, the code allows the businesses to submit one containment plan.

The containment plan, whether for one business or multiple locations, must contain one of containment methods listed in section 9.28.260(H) which is located in attachment 3. The acceptable containment methods are as follows;

- The installation of bollards to act as a barrier to prevent carts from leaving the store's premises. Bollards must comply with Building, Fire, Handicapped, Federal and State standards.
- Wheel locking systems which stop carts once they are removed from the store's boundaries.
- Coin operated cart machines that require patrons pay a deposit for use of a cart and provide a refund when the cart is returned.
- Customer service representatives that help patrons take groceries and purchased merchandise out to their cars.
- Security personnel that patrol the parking areas and prevent carts from being removed from the premises.
- Any other method or system that would effectively contain or control shopping carts on store premises as approved by the Bureau of Street Services.

CONCLUSION

The City of Moreno Valley is continually looking to improve the quality of life for its residents and businesses. Old methods and systems are no longer effective in dealing with abandoned shopping carts. Reducing the number of carts taken and abandoned would have a positive impact on the quality of our neighborhoods and the overall cost of groceries and product to our residents. An added benefit is the reduced impact on City staff. Addressing the problem at the source would seem to be the most equitable as well as the least financially imposing on all consumers.

The proposed ordinance will amend the Moreno Valley Municipal Code (MVMC) to add a new development standard requiring all new stores and existing stores that change ownership with ten or more shopping carts to maintain an effective method of on-site shopping cart containment. The streets and sidewalk will be free of abandoned carts and demonstrably safer as a result.

The overall quality of life for residents will have been improved in Moreno Valley neighborhoods.

ENVIRONMENTAL

The proposed ordinance does not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

NOTIFICATION

A display notice was published in the newspaper. As of the date of the report preparation, staff had received no public inquiries in response to the noticing for this project.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **ADOPT** Resolution No. 2011-36 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that PA11-0037 (Municipal Code Amendment) does not have the potential to cause a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines; and,
2. **APPROVE** PA11-0037 (Municipal Code Amendment) as referenced on Attachment 3.

Prepared by:

Albert Brady
Code & Neighborhood Services Official

- ATTACHMENTS:
1. Public Hearing Notice
 2. Planning Commission Resolution No. 2011-36
 3. Proposed Ordinance Chapter 9.28.260
 4. Proposed Ordinance Chapter 6.12 – info only



NOTICE OF PLANNING COMMISSION PUBLIC HEARING

THE PLANNING COMMISSION WILL CONSIDER A MUNICIPAL CODE AMENDMENT (PA11-0037) TO ADD MUNICIPAL CODE REGULATIONS REGARDING THE CONTAINMENT OF SHOPPING CARTS.

The proposed Municipal Code Amendment (PA11-0037) will establish code standards for the provisions listed above.

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

The Planning Commission may consider any appropriate modifications or alternatives to the amendment or the environmental determination. Any person concerned about the proposal may submit written comments to the Planning Division prior to the hearing date listed below. Any person may appear and be heard in support or opposition to the project or the environmental determination at the time of the hearing. Any person interested in the proposed amendment may contact Albert Brady, Code & Neighborhood Services Official at (951) 413-3340 or at the Community & 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, December 8, 2011
7:00 P.M. or thereafter
City Council Chambers
14177 Frederick Street
Moreno Valley, CA 92552-0805**

ATTACHMENT 1

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PLANNING COMMISSION RESOLUTION NO. 2011-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING APPROVAL OF PA11-0037 TO THE CITY COUNCIL TO ADD MUNICIPAL CODE REGULATIONS REGARDING THE CONTAINMENT OF SHOPPING CARTS.

WHEREAS, on December 8, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the application.

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

WHEREAS, the Planning Commission finds that the accumulation of wrecked, dismantled and abandoned shopping carts or parts thereof, on public or private property, create conditions that impede emergency services, reduce property values, promote blight and deterioration, comprise an attractive nuisance, create potential hazards to the health and safety of the community, and interfere with pedestrian and vehicular traffic within the City; and

WHEREAS, the Planning Commission further finds that wrecked, dismantled and abandoned carts are injurious to the health, safety and general welfare of the public and are aesthetically detrimental to the community and are therefore a public nuisance; and

WHEREAS, businesses have the option of whether or not to provide shopping carts to their customers, and by providing such an option to their patrons, should accept the responsibility for the availability, control, condition and disposition of the carts; and

WHEREAS, the California Business & Professions Code Section 22435.7(a) provides that shopping cart retrieval has been declared by the State Legislature to be a matter of statewide concern and the comments, complaints and actions of Moreno Valley residents have demonstrated their concern with the regular appearance of shopping carts off-premises of local stores and abandoned in the public right-of-way to the detriment of public health, safety and quality of life; and

WHEREAS, Section 22435.8 further provides that “this article shall not invalidate an ordinance of, or be construed to prohibit the adoption of an ordinance by City or County, which regulates or prohibits the removal of shopping carts or laundry carts from the premises or parking area of a retail establishment except to the extent any provision of such an ordinance expressly conflicts with any provision of this article;” and

ATTACHMENT 2

WHEREAS, under Section 11435.8 cities have been given authority to adopt ordinances which require businesses to maintain a mandatory containment system whereby one or more physical measures will be taken by the business to prevent the removal of carts from their premises; and,

WHEREAS, the provisions set forth in the ordinance will relieve the City from the detrimental effect of this public nuisance and are not in conflict with the California Business & Professions Code Section 22435.

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 December 8, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: All of the proposed changes are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan.

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

FACT: The addition to the Municipal Code provides for an internally consistent set of regulations that are compatible with the purpose and intent of Title 9 while meeting the expectations of the State of California standards relating to shopping cart containment and retrieval. In addition, the amendment furthers the specific purpose and intent of Title 9 to “implement the goals, objectives, policies and programs of the Moreno Valley General Plan and manage future growth and change in accordance with that plan.”

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

FACT: The proposed ordinance does not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-36 **RECOMMENDING** that the City Council **APPROVE** PA11-0037, thereby amending the Municipal Code as described in the title of this resolution.

APPROVED this 8th day of December, 2011.

Ray 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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9.28.260 SHOPPING CART CONTAINMENT AND RETRIEVAL REQUIREMENTS

A. *General provisions.* The provisions in this chapter are applicable to new businesses with ten or more shopping carts established after the adoption of this ordinance and to existing businesses with ten or more shopping carts which have experienced a change in ownership after the adoption of this ordinance.

1. A change of ownership shall include all sales, transfers, leases, assignments, mergers, consolidations, or other business transactions that result sale of a corporation, limited partnership to another corporate entity. Corporate name changes or minor reorganizations do not classify as a change in ownership and are therefore exempt from code provisions within this chapter.

2. This chapter shall not apply to any conditions expressly allowed or authorized by federal or state law or any other provision of this code.

3. Violations of this chapter shall be treated as strict liability offenses regardless of intent.

B. *Cart containment and retrieval plan.* Except as otherwise provided in this chapter, every business that provides shopping carts to customers for use on their premises shall develop, implement and comply with the provisions of a written plan approved by the City to prevent customers from removing shopping carts from the premises of such business without authorization of the owner and to provide for the retrieval of removed or abandoned shopping carts which have been removed from the premises of the retail establishment (the "plan"), and shall demonstrate compliance with all other purposes and provisions of this chapter. The plan, at a minimum, shall include the following elements:

(1)*Owner information.* The name of the owner; the physical address where the retail establishment is conducted; and the name, address, and telephone number(s) of the owner and all on-site managers, including any changes of such persons.

(2)*Cart inventory.* The number of carts to be used or located on the premises.

(3)*Signs affixed to carts.* Every shopping cart made available for use by customers shall have a sign permanently affixed to it that identifies the owner of the cart; notifies the public that the unauthorized removal of the cart from the premises of the retail establishment, or the unauthorized possession of the cart, is a violation of State law, and lists a valid telephone number and address for returning the cart removed from the premises to the owner.

ATTACHMENT 3

(4)*Notice to customers.* Conspicuous signs shall be placed and maintained on the premises near all customer entrances, exits and cart storage areas, warning customers that removal of shopping carts from the premises is prohibited by State law. All signs shall be in English and Spanish.

(5)*Prevention measures.* A description of the specific measures that the business owner will implement to prevent removal of any cart from the business premises. Permissible measures are identified in Section 9.28.260(G).

(6)*Mandatory cart retrieval operations.* The procedure by which the business owner or qualified cart retrieval service will search, find and return carts removed from the business premises. The cart retrieval operation must demonstrate that carts will be actively located within one mile of the business premises and respond to complaints from the public or notifications from City enforcement personnel in a manner which results in the retrieval of carts within 24 hours of receiving the notification. If a business owner contracts with a cart retrieval service, the retrieval service must be a City licensed and approved service, and shall not place limits on daily loads or days per week to retrieve carts within the city. The owner shall provide written authorization to all retrieval personnel, which authorization shall be carried by each such person while performing cart retrieval services on behalf of the owner and shall be provided to any enforcement personnel upon request. Each vehicle used by retrieval personnel shall bear conspicuous signs on the vehicle identifying either the name of the business for which such retrieval service is being performed or, if applicable, the name of the cart retrieval service with which the business has contracted for such services.

(7) *Employee training.* The business owner shall implement and maintain a periodic training program for its new and existing employees designed to educate such employees concerning the requirements of the plan and the provisions of State law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment. The plan shall expressly describe the employee training program.

(8)*Daily cart confinement.* All shopping carts located on the premises of the business (other than a business open for business 24 hours per day) shall be collected at the end of each business day by employees of the business and shall be collectively confined in a secure manner in the cart confinement area, as designated in the approved plan, until the commencement of the next business day. All shopping carts located on the premises of any business open for business 24 hours per day, other than carts then currently in use by a customer or patron, shall be collected by employees of the business and returned to the cart confinement area, as designated in approved plan, at least once per calendar day between the hours of 9:00 p.m. and midnight on each day

the retail establishment is open for business. The provisions of this subsection shall not apply to any shopping carts located within an enclosed building.

(9) *Collaboration with other businesses.* Two or more businesses located within the same shopping or retail center or sharing a common parking area may collaborate and submit a single plan.

(10) *Additional information.* Any other information deemed appropriate by the Community & Economic Development Director to ensure compliance with this Chapter and specified within the plan application.

(C) ***Exemptions.*** The requirements of this chapter shall not apply to any business which provides a total of less than ten shopping carts for use by the customers of such business.

(D) ***Plan submission and approval.*** Unless otherwise expressly exempt by this Chapter, each new business, any existing business relocating to a different location within the city, and any business with a change in ownership to an unrelated entity shall submit a proposed plan complying with the requirements of MVMC 9.28.260(B) to the Community & Economic Development Director, and obtain approval thereof by the City, prior to the commencement of business or issuance of a certificate of occupancy. Each proposed plan shall be accompanied by a processing and inspection fee in an amount as set by resolution of the City Council.

(1) If approved, the plan shall be implemented no later than 90 days from the date of notification to the owner of the approval. An inspection by enforcement personnel shall be made of the premises to confirm compliance at the conclusion of the 90-day period.

(2) The decision of the Community & Economic Development Director shall be made in writing and notice thereof shall be transmitted to the owner of the business by first-class mail, or by personal delivery. The owner may appeal the decision in the time and manner provided in MVMC 9.02.240.

(E) ***Standards for Denials.*** The Community & Economic Development Director may deny a plan based upon any of the following grounds:

(1) Implementation of the plan would violate provisions of the building, zoning, health, safety, fire, police or other municipal codes, or any county, state, or federal law that substantially affects public health, welfare or safety;

(2) The plan fails to include all the information required by this chapter;

(3) The plan is insufficient or inadequate to prevent removal of carts from the owner's premises;

(4) The plan fails to address any special or unique conditions, due to the geographical location of the premises, as they relate to cart retention and prevention efforts;

(5) Implementation of the plan would violate a term or condition of another City policy or requirement of this Code;

(6) The owner has knowingly made a false statement of fact, or omits a fact required to be revealed in an application for a plan, or in any addendum or report or other information required to be provided regarding the plan.

(7) If the plan is rejected as incomplete or inadequate, the Community & Economic Development Director shall indicate the areas of incompleteness or inadequacy.

(F) *Plan modification.* At any time subsequent to the approval of a plan, the owner may request a modification of a previously approved plan to address a change in circumstances, an unanticipated physical or economic impact of the plan, or a need to modify an ineffective plan. Each proposed amendment shall be accompanied by a processing fee in an amount as set by resolution of the city council.

(G) *Penalties.* Any required business owner, property owner, and/or business representative that fails to submit a plan, implement plan measures or implement any required modifications to the plan by the city within the time frames specified within this chapter shall be subject to penalties including but not limited to criminal action, civil action or other judicial or administrative proceedings.

(H) *Containment methods.* All shopping carts shall be contained or controlled within the boundaries of the store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways where the business's shopping carts are permitted.

(1) *Bollards*. Bollards or posts may be installed near exists to prevent the removal of carts from the business as long as they do not interfere with fire lanes, handicapped access, or conflict with federal, state and local laws, including municipal, building and zoning code.

(2) *Wheel locking mechanisms*. Equipping shopping carts with a locking or stopping mechanism that is used in conjunction with an electronic or magnetic barrier along the perimeter of the store premises. The wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier.

(3) *Coin operated machines*. Businesses may opt to utilize coin operated machinery to charge patrons a deposit for the cart which is refunded upon return of the cart.

(4) *Customer service representative*. The business may employ customer service representatives to assist customers by delivering merchandise to patron's vehicles and thus not allowing carts to be removed from the premises.

(5) *Security*. The business may employ security personnel to patrol the premises and prevent carts from being removed from the property.

(6) *Other methods*. The project may use other methods of containment as long as the systems or methods are approved by the Community & Economic Development Director and effectively will contain or control shopping carts to the store premises.

(H) *Containment system design*. All structures, including bollards and wheel locking mechanisms, associated with the containment system must be harmonious and compatible with the project submittal and City design and development standards.

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Chapter 6.12. REGULATION AND CONTAINMENT OF SHOPPING CARTS

6.12.010 Purpose.

This chapter is adopted to set forth regulations to ensure that reasonable measures are taken by the owners and operators of retail establishments to either prevent the removal of shopping carts from the premises, or provide for the prompt retrieval of removed or abandoned shopping carts, to complement and supplement provisions of state law, and to adopt local regulations to the extent not otherwise preempted by state statute.

6.12.020 Definitions.

Except as otherwise expressly set forth herein, the following words and terms as used in this chapter shall have the following meanings:

Abandoned means a shopping cart which is left unattended or discarded upon any public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether or not such shopping cart was removed from the premises with the permission of the owner. For purposes of this chapter, any shopping cart left unattended or discarded on any public property shall be presumed abandoned, and any shopping cart left unattended or discarded on any private property shall be presumed abandoned unless the owner or occupant of the private property is: (i) the owner, or an employee or authorized agent of the owner, entitled to possession of said shopping cart, (ii) an officer, employee or agent of a cart retrieval service hired by the owner to retrieve shopping carts, or (iii) is enforcement personnel retrieving, storing or disposing of a cart pursuant to the provisions of this chapter.

City means the City of Moreno Valley, California.

Community & Economic Development Director means the Community & Economic Development Director of the city.

Customer means any person who enters the premises of a retail establishment.

Enforcement personnel means any police officer or Code Compliance Officer employed by the City, or otherwise designated by the City Manager.

Laundry cart means a basket which is mounted on wheels and used in a coin-operated laundry or dry-cleaning retail establishment by a customer or an attendant for the purpose of transporting fabrics and the supplies necessary to process them.

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Owner means any owner, manager, or operator of any retail establishment.

Parking area means a parking lot or other property provided by a retail establishment for the use of customers of the retail establishment for parking of customer vehicles. The parking area of a retail establishment located in a multi-store complex or shopping center shall include the entire parking area used by the multi-store complex or shopping center.

Parkway means that area between the sidewalks and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway shall also include any area within a roadway which is not open to vehicular travel.

Premises means any building, property or other area upon which any retail establishment is conducted or operated in the city, including the parking area provided for customers of such retail establishment.

Public property means and includes, but is not limited to, all that area dedicated to public use for public street purposes, civic purposes, roadways, parks, parkways, alleys, sidewalks, flood control channels and any other public right-of-way.

Retail establishment means any business located in the city which offers or provides shopping carts for the use of the customers of such business regardless of whether such business is advertised or operated as a retail or wholesale business, and regardless of whether such business is open to the general public, or is a private club or business, or is a membership store.

Shopping cart or *cart* means a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind. The term 'shopping cart' or 'cart' includes a laundry cart.

6.12.030 Appeals.

Any owner aggrieved by any adverse decision of the Community & Economic Development Director may appeal such decision pursuant to MVMC section 6.04.090.

6.12.040 Enforcement.

(A) The provisions of this chapter shall be administered and enforced by code enforcement personnel or by a designee of the Community & Economic Development Director.

(B) The City may enforce violations of this chapter by use of administrative citations as provided in chapter 1.10 of this Code, and by any other means authorized within this Code.

6.12.050 Shopping cart abatement.

Upon discovering the existence of a removed or abandoned shopping cart which is not belonging to a particular retail establishment, or parts thereof, on public or private property within the City, enforcement personnel shall have the authority to cause the abatement and removal thereof in accordance with the procedures described in this chapter.

6.12.060 Procedures for abatement.

(A) *Shopping carts with signs affixed.* A removed or abandoned shopping cart that has a sign affixed to it per California Business and Professions Code section 22435.1, may be impounded by enforcement personnel pursuant to either of the following procedures.

(1) Upon the discovery of a removed or abandoned cart, enforcement personnel give the owner of the cart notice of the cart's discovery and location. If three days after such notice is given the cart has not been retrieved by the owner or his or her agent, enforcement personnel may impound the cart. The owner of any cart impounded pursuant to this subsection (a)(1) shall be subject to any applicable fee or fine imposed pursuant to subdivision (e) or (f). A cart impounded pursuant to this subsection (a)(1) that is not reclaimed within 30 days of the owner's receipt of the notice provided for herein shall be disposed of pursuant to subsection (g).

(2) Upon the discovery of a removed or abandoned cart, enforcement personnel immediately impound the cart and give the owner of the cart actual notice that the cart has been impounded within 24 hours of the impoundment. Any shopping cart impounded pursuant to this subsection (a)(2) that is reclaimed within three business days following the date of actual notice to the owner shall be released and surrendered to the owner or his or her agent at no charge whatsoever, including the waiver of any impound and storage fees or fines that would otherwise be applicable pursuant to

subdivision (e) or (f) of this section. Any cart reclaimed within the three business day period shall not be deemed an occurrence for the purposes of subdivision (f) of this section. The owner of any cart impounded pursuant to this subsection (a)(2) that is not reclaimed within three business days following the date of actual notice to the owner shall be subject to any applicable fee or fine imposed pursuant to subdivision (e) or (f) commencing on the fourth business day following the date of the notice. Any cart not reclaimed within 30 days of the actual notice provided to the owner of the cart shall be disposed of pursuant to subsection (g).

(B) *Shopping carts without signs affixed.* A removed or abandoned shopping cart that does not have a sign affixed to it per California Business and Professions Code section 22435.1, identifying the owner may be impounded immediately upon its discovery by enforcement personnel. Carts impounded pursuant to this subsection (b) may be disposed of immediately.

(C) *Emergency removal.* Notwithstanding subsection (a) of this section, a removed or abandoned shopping cart with a sign affixed to it identifying the owner may be impounded immediately if the location of the shopping cart will impede emergency services. Enforcement personnel shall give the owner or his or her authorized agent notice of the impoundment within three business days of the impoundment. The owner of any cart impounded pursuant to this subsection (c) shall be subject to any applicable fee or fine imposed pursuant to subdivision (e) or (f). Any cart not reclaimed within 30 days of the date the owner of the cart receives notice of its impoundment shall be disposed of pursuant to subsection (g).

(D) *Impound location.* Any shopping cart that is impounded by the enforcement personnel pursuant to this division shall be held at a location that is reasonably convenient to the owner of the shopping cart and open for business at least six hours of each business day. The city's corporate yard is centrally located within the city and open at least six hours each business day, and the city finds that holding impounded shopping carts at the corporate yard satisfies the requirements of this subsection.

(E) *Recovery of costs.* The city council may provide by resolution for the recovery of the actual cost in providing the service of impounding shopping carts.

(F) *Fines.* In addition to the fee for the service of impounding shopping carts, a fine in the amount of \$50.00 is hereby imposed upon each owner of a shopping cart for each occurrence in excess of three during a specified six-month period for failure to retrieve shopping carts in accordance with this section. An occurrence includes all shopping carts impounded in accordance with this chapter in a one-day period. This subsection

does not apply to and does not limit or prohibit any other fee, fine or penalty that the city may charge for violation of the other provisions of this chapter.

(G) *Disposal of carts.* Any shopping cart not reclaimed from the city within 30 days of receipt of a notice of violation by the owner of the shopping cart may be sold or otherwise disposed of by the city.

(H) *Actual notice.* A notice, as required by this chapter, may be served personally upon the designated owner identified in a sign permanently affixed to a shopping cart or by mail as prescribed by California Code of Civil Procedure Section 1013.

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