#### 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

May 10, 2012

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. PA12-0017 Fiscal Year 2012-2013 Capital Improvement Plan Conformance with General Plan

**Recommendation:** That the Planning Commission make a finding that the Fiscal Year 2012-2013 Proposed Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan.

### **APPROVAL OF MINUTES**

- **1.** October 13, 2011
- **2.** November 3, 2011
- **3.** February 9, 2012

#### PUBLIC HEARING ITEMS

1.	Case Number:	PA12-0007 PA11-0041
	Case Description:	A Tentative Parcel Map (36449) to subdivide 6.84 acres into 5 lots for commercial purposes and a Plot Plan to develop one parcel with a retail store
	Case Type:	Tentative Parcel Map 36449 Plot Plan
	Applicant:	Winchester Associates Inc Boos Development Group Inc
	Owner:	Professors Fund IV LLC
	Representative:	David Slawson
		David Morse
	Location:	SWC Perris Boulevard and John F. Kennedy Drive (APN 485-081-034)
	Proposal:	A Tentative Parcel Map (36449) to subdivide 6.84 acres into 5 lots for commercial purposes and a Plot Plan to develop one parcel into a retail store. The retail store will be on a one acre parcel and be approximately 8,320 square feet. The zoning is Neighborhood Commercial.
	Case Planner:	Julia Descoteaux

Recommendation:	<b>APPROVE</b> Resolution No. 2012-06 and thereby:		
	<ol> <li>ADOPT a Negative Declaration for PA12- 0007 (Tentative Parcel Map 36449) pursuant to the California Environmental Quality Act (CEQA) Guidelines; and,</li> </ol>		
	2. APPROVE PA12-0007 (Tentative Parcel Map 36449) subject to the attached conditions of approval included as Exhibits A.		
Recommendation:	APPROVE Resolution No. 2012-07 and thereby:		
	<ol> <li>RECOGNIZE that PA11-0041 (Plot Plan) qualifies as an exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332 (In-Fill Development Projects); and,</li> </ol>		
	<ol> <li>APPROVE PA11-0041 (Plot Plan) subject to the attached conditions of approval included as Exhibit A.</li> </ol>		
Case Number: Case Description:	PA12-0002 A Conditional Use Permit to expand the use of the existing bowling alley to include an arcade area.		
Case Type: Applicant: Owner:	Conditional Use Permit Michel Knight Tripeak		
Representative: Location: Proposal:	Michel Knight 23750 Alessandro Boulevard Suite K A Conditional Use Permit to expand the use of the existing bowling alley to include an arcade area. The bowling center will include a 20 lane bowling alley, arcade games, billiard tables, skating or remote control car areas, a banquet room, sports area, and a food and beverage service area serving beer and wine.		
Case Planner:	Julia Descoteaux		
Recommendation:	<b>APPROVE</b> Resolution No. 2012-08 and thereby:		
	<ol> <li>RECOGNIZE that PA12-0002 a Conditional Use Permit qualifies as an exemption in accordance with CEQA Guidelines, Section 15301 (Existing Facilities); and</li> </ol>		

2.

- 2. APPROVE PA12-0002, a Conditional Use Permit subject to the attached conditions of approval included as Exhibit A.
- 3. Case Number: Case Description:

4.

PA12-0008

Case Description: Municipal Code Amendment to Section 9.12.060.D to increase maximum copy area and maximum height of drive-through restaurant menu boards. Municipal Code Amendment Case Type: Applicant: **Contractors Permit Services** Owner: Inland Bells, Inc. Representative: Cummings Signs City-wide Location: Municipal Proposal: Code Amendment to Section 9.12.060.D to increase maximum sign copy area for drive-through restaurant pre-menu and menu boards from 36 square feet to 48 square feet or a maximum of 64 square feet for a single menu board. The maximum height for menu boards would increase from 6 feet to 8 feet inclusive of the sign base. Case Planner: Jeff Bradshaw **Recommendation: APPROVE** Resolution No. 2012-10 and thereby **RECOMMEND** that the City Council: 1. **RECOGNIZE** that application PA12-0008 (Municipal Code Amendment) will not have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15305, as a Class 5 Categorical Exemption; and 2. APPROVE PA12-0008 (Municipal Code Amendment) as referenced on Exhibit A. Case Number: PA08-0033 PA08-0034 PA08-0035 Case Description: General Plan Amendment, Change of Zone and Conditional Use Permit for a Smog Inspection Station and Tire Sales. General Plan Amendment Case Type: Change of Zone Conditional Use Permit Socrates Urena Applicant:

Owner: Representative: Location:	Socrates Urena Socrates Urena 22184 Alessandro Boulevard
Proposal:	A Conditional Use Permit (CUP) for a Smog
	Inspection Station and Tire Sales commercial business, which requires a General Plan Amendment and Change of Zone.
Case Planner:	Claudia Manrique

# **Recommendation:** APPROVE Resolution No. 2012-09 and thereby **RECOMMEND** that the City Council:

- 1. APPROVE a Negative Declaration for PA08-0033 (General Plan Amendment), PA08-0034 (Change of Zone) and PA08-0035 (Conditional Use Permit) in that this project will not result in significant environmental impacts)
- 2. APPROVE PA08-0033 (General Plan Amendment), PA08-0034 (Change of Zone) and PA08-0035 (Conditional Use Permit).

## **OTHER BUSINESS**

**1.** Election of Officers

# STAFF COMMENTS

# PLANNING COMMISSIONER COMMENTS

### ADJOURNMENT

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# PLANNING COMMISSION STAFF REPORT

Case:	PA12-0017 - Fiscal Year 2012-2013 Capital Improvement Plan Conformance with General Plan		
Date:	May 10, 2012		
Applicant:	City of Moreno Valley		
Representative:	Public Works Department		
Location:	Various Locations Throughout the City of Moreno Valley		
Proposal:	Make a Finding that the Fiscal Year 2012-2013 Proposed Capital Improvement Plan is in Conformance with the City of Moreno Valley's General Plan		
Recommendation:	Approval		

#### SUMMARY

City staff produces an updated Fiscal Year (FY) 2012-2013 Proposed Capital Improvement Plan, which is brought annually before City Council for approval and to make a finding that the document is consistent with AB 1600, the California Mitigation Act. The document also is brought annually before the Planning Commission to make a finding that the plan is in conformance with the City of Moreno Valley's General Plan.

#### PROJECT DESCRIPTION

#### Background

The intent of the Fiscal Year 2012-2013 Proposed Capital Improvement Plan is to identify the various capital improvements and funding over the next fiscal year and establish a capital improvement plan over the next five years and beyond, to buildout, as referred to in general plan use and circulation plans. The document has been grouped by categories and by fund, and has a detailed project sheet for every project that is requesting carryover funds or new funds for the Fiscal Year 2012-2013. All of the capital improvements were provided with an estimate of total project cost and anticipated fiscal year of construction. This plan also focuses on establishing funding sources and the availability of funds during the anticipated fiscal year of construction.

The document is designed to be a five year rolling document that will be revised annually as part of the budget adoption process. The Fiscal Year 2012-2013 Proposed Capital Improvement Plan begins with the capital budget Year 2012-2013 and extends to the "FY 2016-2017 and Beyond." All projects listed in the "FY 2016-2017 and Beyond" time frame are typically unfunded and will be brought forward as the community needs arise.

#### Description

The streets listed in the Fiscal Year 2012-2013 Proposed Capital Improvement Plan and all of the traffic signals are consistent with the General Plan. The parks projects listed meet the three acre per one thousand population standard set forth in the General Plan and Fire Station response time document.

#### REVIEW PROCESS

Staff has had numerous meetings with all City Departments in an effort to prepare a complete Capital Budget and Fiscal Year 2012-2013 Proposed Capital Improvement Plan. This document, if approved by the Planning Commission, is tentatively scheduled to be presented to the City Council on June 12, 2012 for adoption as part of the City's Fiscal Year 2012-2013 Budget.

#### **ENVIRONMENTAL**

The proposal is not a "project" as defined under the California Environmental Quality Act (CEQA) in that the proposal is a fiscal activity that would not involve any commitment to any specific project, which may result in a potentially significant physical impact on the environment. (Section 15378(b) (4) of the CEQA Guidelines).

#### **NOTIFICATION**

Publication of the Planning Commission Agenda.

#### Planning Commission Staff Report Page 3

#### **STAFF RECOMMENDATION**

That the Planning Commission make a finding that the Fiscal Year 2012-2013 Proposed Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan.

Prepared by:

Larry Gonzales Senior Engineer, P.E. Approved by:

Prem Kumar, P.E. Deputy Public Works Director/Assistant City Engineer

John C. Terell, AICP Planning Division Manager/Planning Official

ATTACHMENT: Fiscal Year 2012-2013 Proposed Capital Improvement Plan, Projects Summary by Category This page intentionally left blank.

#### Capital Improvement Plan FY 2012-2017 and Beyond Summary by Category Amount in \$1,000's

#### SUMMARY BY CATEGORY

	Carryover	New Request	Plan	Plan	Plan	Plan FY 16/17	
Category	FY 12/13	FY 12/13	FY 13/14	FY 14/15	FY 15/16	& Beyond	Grand Totals
STREET IMPROVEMENTS	41,611	17,179	23,756	67,700	53,720	626,853	830,819
BRIDGES	14,087	5,100	-	-	-	100,244	119,431
BUILDINGS	3,868	2,320	3,707	860	29,260	218,482	258,497
DRAINAGE, SEWERS, AND WATERLINES	1,468	50	1,700	-	-	33,352	36,570
ELECTRIC UTILITY	283	225	750	2,000	5,507	4,388	13,153
LANDSCAPING	-	-	-	120	120	120	360
PARKS	2,378	667	435	805	300	325,352	329,938
TRAFFIC SIGNALS	1,339	829	1,558	890	30	42,665	47,311
UNDERGROUND UTILITIES	185	-	-	-	-	2,801	2,986
TOTAL BY CATEGORY	65,219	26,370	31,906	72,375	88,937	1,354,257	1,639,065

### ATTACHMENT 1

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1 2 3 4	CITY OF MORENO VALLEY PLANNING COMMISSION REGULAR MEETING OCTOBER 13 <sup>TH</sup> , 2011
5 6 7	CALL TO ORDER
8 9 10 11	Vice Chair Salas convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.
12 13	ROLL CALL
14 15 16	<u>Commissioners Present:</u> Chair Baker Commissioner Crothers Commissioner Giba
17 18 19 20	Commissioner Ramirez Commissioner Van Natta Vice Chair Salas
21 22 23 24	<u>Late:</u> Commissioner Owings (7:15 pm)
25 26 27	<u>Staff Present:</u> John Terell, Planning Official Jane Halstead, City Clerk
28 29 30 31	Julia Descoteaux, Associate Planner Jeff Bradshaw, Associate Planner Michael Lloyd, Senior Transportation Engineer Clement Jimenez, Senior Land Development Engineer
32 33 34	Randy Metz, Fire Marshall Suzanne Bryant, Deputy City Attorney
35 36 27	
37 38 39 40	<b>PLANNING OFFICIAL TERELL</b> – Before we go on any further, probably just to clarify; maybe Chair Baker you can just clarify that you have for this meeting that you are having the Vice Chair run the meeting.
41 42 43 44 45	<u>CHAIR BAKER</u> – Exactly. Vice Chair George Salas has agreed to Chair this meeting for me due to a little health incident I've had in the last 60 days. Things are on the rebound but I just felt a little more comfortable having George run the meeting and actually that's what we're going to do. Thank you for your indulgence.

#### APPROVAL OF AGENDA

VICE CHAIR SALAS – Good, I'm glad he feels more comfortable than I do. Can we have Approval of the Agenda for the last minutes? Is that the way we go John? Do I need a motion to approve the Agenda for the last meeting? 

- **PLANNING OFFICIAL TERELL** – For this meeting yes
- VICE CHAIR SALAS – Oh for this meeting; okay.
- **CHAIR BAKER** – I make the motion that we approve the Agenda.
- VICE CHAIR SALAS – Do I have a second?
- **COMMISSIONER VAN NATTA** – Seconded
- VICE CHAIR SALAS All in favor?
- Opposed -0
- Motion carries - 5 - 0
- PUBLIC HEARING ITEMS
- VICE CHAIR SALAS May the public be advised of all the procedures to be followed in this meeting. Procedures are displayed at the back of the room.
- **PUBLIC COMMENTS**
- **VICE CHAIR SALAS** – 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.
- **NON-PUBLIC HEARING ITEMS**

- 1. Introduction and Swearing In of New Commissioner:
- - Jeffrey Giba
- VICE CHAIR SALAS – Okay I guess we're going to do the swearing in of the new Commissioner?
- **PLANNING OFFICIAL TERELL** – Yes, that's what we will do next; yes. We don't have any Speaker Slips for that the first item.

VICE CHAIR SALAS – Okay PLANNING OFFICIAL TERELL – Okay at time we'll call the City Clerk forward;
 Jane Halstead.

- 3
- 4 **VICE CHAIR SALAS** And the name in front of her is not Jeff Bradshaw.
- 5
   6 PLANNING OFFICIAL TERELL And then Jeffrey Giba...

8 **<u>CITY CLERK HALSTEAD</u>** – Please raise your right hand, repeat after me and state your name.

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7

11 **JEFFREY GIBA** - I Jeffrey Giba do solemnly swear that I will support and 12 defend the Constitution of the United States and the Constitution of the State of 13 California against all enemies foreign and domestic; that I do bear true faith and 14 allegiance to the Constitution of the United States and the Constitution of the 15 State of California, and that I take this obligation freely without any mental 16 reservation or purpose of evasion and that I will well and faithfully discharge the 17 duties upon which I am about to enter.

- 18
- 19 **<u>CITY CLERK HALSTEAD</u>** Congratulations
- 20 21 **COMMISSIONER GIBA** – Thank you very much

PLANNING OFFICIAL TERELL – So welcome. I guess Commissioner Giba I
 don't know if you want to introduce yourself; it's not required and maybe tell us a
 little bit about yourself... just a little bit.

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22

- 27 VICE CHAIR SALAS Oh no it's required
- 28

29 <u>COMMISSIONER GIBA</u> – My name is Jeffrey Giba and I currently teach High 30 School science and prior to that I was a Director of R & D. I've been in the City 31 for almost 30 years. I've served in a variety of small capacities and I am honored 32 that the Council members allowed me the opportunity to continue to serve this 33 City in a new capacity and I just thank you all and please be patient with me.

34

36 37

# 35 **2.** Recognition of Former Planning Commissioner

Richard Dozier, 6 Years of Dedicated Service

38 <u>PLANNING OFFICIAL TERELL</u> – Welcome and then since former
 39 Commissioner Dozier is not here right now we'll probably just skip that item.

40

41 <u>VICE CHAIR SALAS</u> – We were going to do I guess recognition of
 42 Commissioner Richard Dozier; but he's not here today so we are going to move
 43 onto the next one which is the approval of the minutes.

- 44
- 45
- 46

1 **APPROVAL OF MINUTES** 2 June 9<sup>th</sup>, 2011 July 14<sup>th</sup>, 2011 3 4 August 11<sup>th</sup>, 2011 5 6 VICE CHAIR SALAS – Approval of the minutes for June 9<sup>th</sup>, July 14<sup>th</sup> and August 7 11<sup>th</sup>, 2011 meeting minutes. Do I have a motion to approve those? 8 9 10 COMMISSIONER CROTHERS – Motion to approve 11 12 COMMISSIONER BAKER - I second 13 14 VICE CHAIR SALAS – Okay I have a motion to approve and a second. All in 15 those favor? 16 17 Opposed -018 19 Abstention – 1 (Commissioner Giba) 20 21 Motion carries 5 – 0 – 1, with one Abstention (Commissioner Giba) and one 22 Absent (Commissioner Owings) 23 24 **PLANNING OFFICIAL TERELL** – And that is with one abstention; correct? 25 26 VICE CHAIR SALAS – That's true 27 28 PUBLIC HEARING ITEMS 29 30 1. Case Number: PA10-0036 **Tentative Tract Map 36277** PA10-0037 31 Plot Plan 32 33 Case Planner: Julia Descoteaux, Associate Planner 34 35 VICE CHAIR SALAS – So we're going to go ahead and move onto Item No. 1, which is Case No. PA10-0036 and PA10-0037; conversion of a 394-unit 36 apartment complex into condominiums. The Case Planner is Julia Descoteaux. 37 38 Please go ahead. 39 ASSOCIATE PLANNER DESCOTEAUX - Thank you. Good evening Planning 40 Commissioners. I'm Julia Descoteaux, Associate Planner and before you this 41 evening is an existing 394 unit apartment complex on 19.72 acres which was 42 constructed in approximately 2005. The Applicant is wishing to create a Parcel 43

45 Specific Plan 200 which is High Density Residential and provides for the 46 development of multi-family residential projects up to 20 units per acre. The

44

Map for a condominium conversion. The existing project is located within the

access for this site will remain as existing on Day Street and Eucalyptus and Dracaea. Parking stalls are located within the complex for the residents; both covered and uncovered and the parking that they currently have exceeds the requirements of the Municipal Code. The complex was approved in 2003 and constructed in 2005. The design includes stucco buildings with clay tile roofing, balconies with wrought iron railings are incorporated at each story and all the buildings include decorative features to enhance the elevations.

8

The project was submitted on October 21<sup>st,</sup> 2010. To date, the applicant has had 9 10 several revisions and all relevant issues have been adequately corrected to the satisfaction of all parties. The project is exempt from the California 11 12 Environmental Quality Act as provided for in Section 15315, a Class 15 13 Categorical Exemption for Minor Land Division and Section 15301 for Existing 14 Facilities. The project was noticed to all property owners within 300 feet of the existing apartment complex and as well as all the tenants in the complex were 15 16 notified of the potential conversion.

17

The Municipal Code requires findings in conjunction with approval of a 18 19 condominium conversion to demonstrate that the rental housing stock will not be 20 adversely affected. To date the City has approved five condominium 21 conversions and to date none of the approved conversions have been recorded. 22 Currently this applicant would like to obtain the entitlements for the conversion; 23 however they will not be completing the conversion at this time. I've had a couple; probably two enquiries from a couple of the residents and they were just 24 25 asking for the procedure on what happens and that was explained to them that they'll be notified prior to any type of recording of the map. This concludes 26 Staff's presentation and at time I can answer any questions for you. Thank you. 27

28

29 <u>VICE CHAIR SALAS</u> – Fine, we'll open questions to Staff. I have one. You 30 were saying you are going to do the approval now but they're not going to 31 actually implement it. How long do they have to implement it? Is it a couple of 32 years?

33

ASSOCIATE PLANNER DESCOTEAUX – Yes they have three years to either start the process or get an extension of time as provided for in the Municipal Code, however once they decide to move forward they'll have to notice their current residents at that time again; so everybody will be noticed prior to it happening.

39

40 <u>VICE CHAIR SALAS</u> – Okay so what is the major change... I mean just what is
 41 the major change that they are going to have to make? I mean what is the
 42 difference between condominium and an apartment? I know there are plenty of
 43 things but what would be the major?

44

45 **ASSOCIATE PLANNER DESCOTEAUX** – The major difference that each unit 46 can be sold separately, whereas with an apartment complex you have a single 1 owner. They could go forward and do the conversion and then rent them out just

2 like they are with the apartment complex or they could ahead and divide or do3 the map and sell the units individually.

4

5 <u>VICE CHAIR SALAS</u> – Okay but one thing to commit to a conversion, do they 6 have to convert them all or can they do a partial conversion? Okay once they 7 say we're going to make these condominiums, do all 397 units have to be 8 condominiums at that time or can some of them become apartments and some of 9 them condominiums.

- 10
- ASSOCIATE PLANNER DESCOTEAUX They still... if they completed the map, then they would all become condominiums. They could be held under one ownership and still function the same as the apartment complex but once they do the map they'll all be individual condominiums.
- 15

16 VICE CHAIR SALAS – Okay so there are no major improvements that they have 17 to make like improve walls or to add a bathroom; basically you are just taking an 18 apartment and you are converting it into a condominium but the difference is that 19 you can sell it. Is that correct?

- ASSOCIATE PLANNER DESCOTEAUX Yes and no. Yes they can sell it. If there are any changes that have to be made for the building code in order to be a condominium; separate ownership, they would have to do whatever those changes were, however being how this was built in 2005, it most likely would comply with the current building codes that allow for individual sale.
- 26

PLANNING OFFICIAL TERELL – Yes the other thing is because it is such a
 recent construction it meets all the requirements as though it were built as a
 condominium.

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31 <u>VICE CHAIR SALAS</u> – So they kind of built them as condos and they approved
 32 them as apartments with the intention of maybe changing them?

33

34 PLANNING OFFICIAL TERELL – Well I think they were built to be a high quality 35 apartment and in doing that they met all the requirements for... we don't have 36 separate standards for a condominium, but for example that other apartment 37 complex which shall remain unnamed you mentioned earlier; if that were to 38 convert they would have to upgrade it to the current standards as far as parking 39 and so forth which that particular project would not.

40

41 <u>VICE CHAIR SALAS</u> – I was just curious. I just thought that maybe there was
 42 some dividing walls improvement and like two hour walls or if it was an apartment
 43 compared to... I mean apartments compared to condominiums, but they already
 44 built them with that intent I guess

45

PLANNING OFFICIAL TERELL – Either they have or if they have to make any improvements; let's say they have to put in extra drywall to increase the fire rating, they would have to do that before they convert because the code in the future may be different than it is today also.

5

<u>VICE CHAIR SALAS</u> – I mean I know the apartment complex and it is a nice
 apartment complex. I mean I can understand the conversion compared to some
 other ones in the City which would be kind of a joke to convert to condos

9

PLANNING OFFICIAL TERELL – And typically this is a one lot conversion, meaning there aren't lot lines between the individual units; they're an air space, so that makes it more like an apartment in construction. If they had individual lot lines then that would definitely require upgraded firewalls. Most condominiums don't do that.

15

16 VICE CHAIR SALAS – I understand. Thank you. Are there any more questions
 17 for Staff?

18 19 <u>COMMISSIONER VAN NATTA</u> – Yes... If at this point it would qualify under 20 some of the requirements here where there has to be sufficient rental housing 21 still available and so forth and three years from now if they haven't converted and 22 they apply for an extension, would the extension be an automatic extension or 23 would it still have to qualify under all of the same guidelines that we're looking at 24 now?

25

PLANNING OFFICIAL TERELL - Generally it wouldn't come up as an issue 26 because the qualification is based on approved conversions, so if every 27 approved project to date converted, this project would still be in compliance with 28 29 those regulations. Future ones we'll have to do that analysis when we get future applications, but with an extension of time it is never automatic. We always have 30 the opportunity to add conditions or take into account changing circumstances. If 31 they had changed radically I'm not quite sure what would happen. We would 32 have the ability to say no. That's why we have them but typically it hasn't been 33 34 an issue because if they are in compliance today unless the law changes relative 35 to that it would still comply three years from now.

36

37 **<u>COMMISSIONER VAN NATTA</u>** – So at this point what they're getting is the 38 option to go either way. If they get this approved then sometime within the next 39 three years they can decide whether the market has progressed to the point to 40 where it would be more advantageous to sell them as condominiums rather than 41 continue to rent them.

- 42 **PLANNING OFFICIAL TERELL** Correct
- 43
  44 <u>COMMISSIONER VAN NATTA</u> Okay thank you.
- 45

1 <u>VICE CHAIR SALAS</u> – I have one more question. Now let's say they go ahead 2 and approve the map and go ahead and go to a condominium project. Now do 3 all the tenants in there have the option of buying or...

4

5 **ASSOCIATE PLANNER DESCOTEAUX** – They have the option to be 6 considered first for their unit but there is criteria at the State level that the 7 Applicant will have to go through and that is part of that process is to make sure 8 that the existing residents have the opportunity to purchase first.

- 9
- 10 **<u>VICE CHAIR SALAS</u>** Okay but if they don't then do they have to move out?
- 11 12

13

# ASSOCIATE PLANNER DESCOTEAUX – Yes

14 **VICE CHAIR SALAS** – Hmm interesting. Thank you.

PLANNING OFFICIAL TERELL – And that's all subject to any existing lease
 agreements. Obviously any lease remains in effect, so no tenant would have to
 move out before the end of their lease. There are also some minimum times
 after that.

21 <u>VICE CHAIR SALAS</u> – Once their lease is up they can't renew the lease 22 because now it is a condominium, so they have to move.

- PLANNING OFFICIAL TERELL Sensibly the owner would not renew the lease and they're not required to, but there are a certain number of days and I can't remember.. It is like 60 or 90 days even if they didn't have a lease that they have to relocate should they choose not to purchase or not be able to purchase.
- 28

23

29 <u>COMMISSIONER GIBA</u> – May I... I wanted to ask... the rental stock dilution. 30 You mentioned in here that it is for the City but is there a rental stock dilution for 31 a specific area of the City or is it just as the whole City the amount of rental 32 versus conversions? 33

- 34 <u>PLANNING OFFICIAL TERELL</u> Well it is a State law, it is regulated on a
   35 community wide basis.
- 36

37 **<u>COMMISSIONER GIBA</u>** – Because I'm looking at the area for which these 38 apartments are built and there are in the western section of the City; very, very 39 nice apartments in that area and in that location where there is a really nice 40 shopping area and if they are converted to condominiums and given that opportunity to do so, I don't see a whole lot of and I don't know how to put it... 41 affordable housing apartment type if people could never afford to purchase a 42 condominium they would want to have. I think that's probably the reason they 43 44 purchased or they rented there to begin with is to be close to the shopping area, so although you are not diluting the stock, that area now would be reduced in the 45

1 number of potential apartments that people could rent versus having to purchase.

- 2 Am I making myself clear enough?
- 3

4 <u>PLANNING OFFICIAL TERELL</u> – Yes, certainly there is an impact on individuals 5 but that is not an issue that we are required to address. We're just required to 6 look at making sure that the availability of alternative rental housing is available 7 in the community.

- 89 COMMISSIONER GIBA Thank you
- 10

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11 <u>VICE CHAIR SALAS</u> – Any further questions for Staff? Okay at this time I'd like
 12 to call the Applicant forward please

PLANNING OFFICIAL TERELL – Before we proceed go ahead and
 acknowledge that Commissioner Owings is here and is present and most likely
 will need to recuse himself from this particular item.

17

18 **<u>COMMISSIONER OWINGS</u>** – And I'd like to apologize to the Chair for being late.

19 20

20 **VICE CHAIR SALAS** – Please state your name and your address please.

APPLICANT – Of course, good evening Commissioners and Chair Baker. My name is Chris Livoni. I am the Project Manager for the Applicant at Moreno Day Street Apartments LP, which is a subsidiary of Watermark Properties. I am here and at this time we don't have any additional presentation prepared. I would like to thank Staff for all their hard work in processing the application at this point. I feel that Julia has described our project very well;; however I am here along with my Civil Engineer to answer any questions that the Commission may have.

29

30 <u>VICE CHAIR SALAS</u> – I have the first one. Okay, so you are going for approval 31 today; do you have a date in mind when you are thinking about actually when 32 you actually doing the conversion or is it just something that you are looking for 33 the approval to do?

34

35 <u>APPLICANT</u> – No sir we don't have an exact date in mind at this time. I think the 36 market really wouldn't dictate a time that would be most beneficial for conversion, 37 so really we are looking for an approval to do so, so we'll be in a position that if at 38 some time and there is no guarantee that it would be something that we would 39 certainly would want to move forward with, but it puts us in a position as an 40 owner to take that next step should we decide that it is advantageous.

- 41
- 42 <u>VICE CHAIR SALAS</u> And excuse me, what is your position with this company?
   43 Are you one of the owners?
- 44

APPLICANT – No sir, I'm not. I'm the Project Manager; Development Manager. My position in the company is I oversee the entitlements of our properties for ground up properties. I'm also in charge of all our construction work that we do.

- VICE CHAIR SALAS Okay, thank you. Are there any further questions?
- 7 **<u>COMMISSIONER RAMIREZ</u>** I'd like to thank you for coming out tonight.
- 9 APPLICANT You're welcome
- 10

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- 11 **<u>COMMISSIONER RAMIREZ</u>** My question is where there any studies or 12 analysis conducted to determine the feasibility of a conversion from apartment 13 complexes to condominiums?
- 14

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15 **<u>APPLICANT</u>** – Feasibility from our standpoint as an owner?

17 **COMMISSIONER RAMIREZ** – Yes from your standpoint as an owner and also 18 from the standpoint of our community where we are at right now. I know you've 19 got a three year time limit, but like the Commissioner just said earlier it seems to 20 be some very nice apartment complexes in that area. There doesn't seem to be 21 anything else quite like it and I imagine that there are a lot of residents that live 22 there that are going to be affected by this.

23

24 **<u>APPLICANT</u>** – And it is certainly not our intent to put any residents out and as 25 Julia mentioned there are guidelines in place to help protect the current residents. There is a 180 day noticing period of intent to convert, so if we were to 26 27 receive approval prior to even actually converting to condominiums, we would 28 have to give 180 days notice to all of the tenants and there is also the 90 day first right of refusal that Julia mentioned where each of the tenants has that right to 29 30 purchase their unit should they wish to do so and they would have the 90 days to 31 respond to that.

32

33 Beyond that, we have thought about what would benefit all parties involved and 34 not just as us the owner and in our opinion when the economy does come back around and people aren't quite so afraid and they start looking to purchase again, 35 it is going to be really hard to buy homes. It is going to be really hard and we 36 37 think that a condo conversion and a condo of this type as you mentioned and we 38 certainly appreciate it, is a nice project, is going to give some of those either 39 tenants or other residents of Moreno Valley or those people in California that may 40 be interested in moving to Moreno Valley an opportunity to get their foot in the 41 door. I can speak to myself. I'm a renter in the community that I live in and as of right now, my wife and I would no chance for the most part of buying a home 42 43 where we live and it is a nice opportunity while there is some give and take, you 44 may lose some rental property but you are also gaining an opportunity for those you may not otherwise be able to purchase a condominium or a home to get their 45 foot in the door and start that home ownership process. 46

1 **<u>COMMISSIONER RAMIREZ</u>** – Thank you. I appreciate your answer.

3 APPLICANT – My pleasure

5 <u>VICE CHAIR SALAS</u> – Okay so after 90 days, if they decide not to buy the condo, do they have to move out?

8 **APPLICANT** – I don't know exactly how the logistics would work. As it was 9 mentioned previously during Commission questioning Staff, we would if we 10 converted these to condominiums; at first if no tenants bought their units, we would technically own 394 condos as the ownership group and so we would 11 12 certainly have the opportunity if wished to and if the laws and guidelines allowed 13 us to continue to rent our condos to a renter. It wouldn't be rented as an 14 apartment, it would be rented as a condo as us as the owner, however those 15 tenants wouldn't be able to partake in the Homeowners Associations or things 16 like that which somebody that purchases the unit would have a stake in the community or have a voice in the community, so I can't say that we would 17 automatically after 90 days you know turn them around and shoo them by any 18 19 means, I think that we would probably have the opportunity that we would could 20 continue to rent those if maybe we tried to come online with condos too early in 21 the economy and it is a lot of units, so it would take some time and I don't think it 22 would be advantageous to us to sell four and have 390 sit vacant for a few 23 months.

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25 <u>VICE CHAIR SALAS</u> – Let me just tell you that would be a bad business move.
 26

- 27 **APPLICANT** Yes it would. I agree.
- 28

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29 <u>VICE CHAIR SALAS</u> – Okay, do we have any further questions for the 30 Applicant? Thank you very much sir.

32 **APPLICANT** – Thank you very much

34 <u>VICE CHAIR SALAS</u> – Okay at this time I'd like to open this to Public Testimony.
 35 I have no Speaker Slips up here, so it's open to Public Testimony and I guess we
 36 close it to Public Testimony. Is that correct?

37

38 <u>PLANNING OFFICIAL TERELL</u> – Yes, if nobody in the audience wishes to
 39 speak; yes okay. Okay, we have a Speaker.

40

41 SPEAKER READER – I'm Deanna Reader and I actually have some questions 42 that I'd like the Applicant to come back here and answer and that is based upon 43 the income of the residents of the apartment, do they anticipate the residents will 44 qualify to buy the condominiums at the price that they are anticipating to sell 45 them at. And if he doesn't have that information, he should have come prepared 46 because that would make a difference. I don't know if... obviously they're not going to shoo everybody out and have it totally empty. From a business standpoint that would be ludicrous. They would probably do it one section at a time; you know I'm only guessing. It would only make sense to do that, but can the residents that are there quality for the price that they anticipate asking when they become condominiums. That would make a big difference in whether I would have thought this is good or bad. I can't even give you that opinion without more information, so if he could answer that I would really appreciate it. Thanks.

8

9 <u>VICE CHAIR SALAS</u> – I'll be more than glad to call the Applicant back up, but in 10 business you know that you have to qualify to buy something. You have to be 11 able to qualify for it. I don't know if that plays a factor into this or not because I 12 mean you have to just qualify to buy, just like we all have to qualify if we are 13 home owners; you'll have to qualify for it, but I'll call the Applicant back up here 14 and please can you address that question please.

- 15
- 16

COMMISSIONER VAN NATTA – You also have to qualify to rent

17

19

18 **VICE CHAIR SALAS** – Exactly, you have to qualify to rent also

20 **APPLICANT** – I'd be happy to answer the question. I unfortunately am probably 21 not going to give an answer that she was looking for because we do not know the 22 gualification purchase power of our current tenants. You know again without even knowing the exact time or when we would convert to a condo, who is to say 23 what turnover we would had in that time and our tenants now may not be the 24 25 tenants a year from now or two years from now or six months from now. I don't know the answer to that and I don't know how much money they make or what 26 27 their credit is like or any of the other items that may go into the approval of 28 getting a loan to purchase a condominium or a home.

29

30 **<u>COMMISSIONER VAN NATTA</u>** – At this point you don't have an idea of what 31 price you would put on the condominiums if you put them up for sale anyway 32 right?

33

34 <u>APPLICANT</u> – That's exactly right. It's another item that I think the market and 35 the economy at the time is really going to dictate where you are and what is 36 being sold in the vicinity and the prices there. We would certainly want to come 37 in competitive.

38

39 <u>COMMISSIONER VAN NATTA</u> – Do you have any kind of a price point per
 40 square that would trigger the decision to convert?

41

42 <u>APPLICANT</u> – No we don't. What it would be more based on is where a 43 company; a family owned company and we hold properties for long term 44 investment, so at this point we have other apartment communities and what this 45 would do is if there more beneficial ventures for the family to pursue, then this 1 would be one opportunity for us to you know again help with home ownership, 2 but also to move in another direction should the family decide to do so.

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**<u>COMMISSIONER VAN NATTA</u>** – What is your vacancy percentage at that complex?

- 7 **<u>APPLICANT</u>** We are approximately 93 percent full.
- 8 9 <u>COMMISSIONER VAN NATTA</u> – That's excellent
- 10
- APPLICANT And so I think we're the lowest vacancy in any of the surrounding
   apartment communities is about the same, 92 or 93 percent.
- 13

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14 VICE CHAIR SALAS – That's really good

1516 <u>APPLICANT</u> – It is yes; very good

**VICE CHAIR SALAS** – Okay and also getting back to that, in my construction and development background I know that there are a lot of people that rent apartments that don't want to be owners and they actually don't want to be owners, they rent apartments for that reason because they just want to be renters, so there are a lot for sale and you are going to lose those tenants anyways.

24 25

26

# <u>APPLICANT –</u> Yes

27 <u>VICE CHAIR SALAS</u> – Okay well then thank you very much. Are there any
 28 further questions? Are there any more public comments? Okay, I'd like to close
 29 the public comments and open it up to Commissioner Debate. Does anybody
 30 have anything to say?

31 32

# **<u>COMMISSIONER RAMIREZ</u> – No**

33 34 **COMMISSIONER GIBA** – My only concern was what that I expressed earlier that 35 it is the only apartment complex in that area. Across the street is another district area that doesn't look like it is going to be building apartments anytime soon and 36 they've already and if my information is correct, they've already converted five 37 38 other complexes right alongside the mall is one of them; up on Frederick so and I 39 mean they've got approve for those to be done, so that whole entire area where 40 somebody at 93 percent full where people might want to rent and of course the 41 question is can they afford to purchase; that's a bigger question is whether they 42 can afford to rent more times than not, so that was my only real concern was that if they did choose to convert we would be removing from that area a very, very 43 44 and I've been through it; a very nice apartment complex for the immediate future. 45 That was my only concern.

46

1 COMMISSIONER VAN NATTA - I have a comment too. If I could figure out a way of convincing anyone who is renting to buy and instead of renting, I'd make a 2 fortune, but like you said, there a lot of people who are renters because they 3 4 prefer to be renters, but I look at this and I'm seeing it as a very good business move. It is opening up a potential to go with ever way the market goes at the 5 time. If there is a strong demand for rentals, rental rates go up and you keep it 6 7 as rentals. If the stronger demand is for selling, then you sell. If there is a 8 demand for apartment buildings, people will build them. I mean there is a certain point here where you let the market dictate what is going to happen to the 9 10 properties and I then it is a wise move to leave for the owners anyways, to leave their options and I think when it comes to it, whether there is two years or five 11 12 years or ten years from now, the market demand will influence which way it goes.

13 14

15

VICE CHAIR SALAS – Thank you. Are there any other comments?

16 **COMMISSIONER CROTHERS** – I just want to agree with Ms. Van Natta and say that it is a good business move and there is nothing in this that says that they 17 have convert. You know they have three years to make that decision and in 18 three years if they haven't converted they can go ahead and apply for a renewal 19 20 of our agreement, so I think whether it is a nice condominium building or a nice apartment complex, it is still nice. It is still nice to have it in our community and 21 22 you know maybe if they convert to condominiums they'll look around at building another nice apartment complex for our residents to have. 23

24

25 VICE CHAIR SALAS – Well speaking from experience this is not a good move, it is a great move and if you can do it and get them approved and build them as 26 27 apartments and turn them into condominiums it's a great benefit to the developer, so I wish them luck. In three years I hope we are here saying you sold 394 units 28 for condominiums because what will happen then is that in the surrounding area 29 somebody else will build apartment complex to take the renters away, so I hope it 30 does come true. I'd like to close the Commissioners Debate and I guess go to a 31 32 motion. Do you want to approve this?

33

34 **<u>COMMISSIONER VAN NATTA</u>** – I can make the motion

35 36

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VICE CHAIR SALAS – Well go ahead

38 <u>COMMISSIONER VAN NATTA</u> – I move that we APPROVE Resolution No.
 39 2011-25 and thereby:

- 40
- RECOGNIZE that PA10-0036 Tentative Tract Map No. 36277 and PA10-0037
   Plot Plan qualifies as an exemption in accordance with CEQA Guidelines,
   Section 15301 Existing Eacilities (k) and 15315 Minor Land Divisions and
- 43 Section 15301 Existing Facilities (k) and 15315 Minor Land Divisions and, 44
- 45 2. APPROVE PA10-0036 Tentative Tract Map 36277 and PA10-0037 Plot Plan
- 46 Subject to the attached conditions of approval included as Exhibit A.

- 1 <u>VICE CHAIR SALAS</u> Do I have a second?
- 3 **<u>COMMISSIONER CROTHERS</u>** I'll second
- 5 **<u>VICE CHAIR SALAS</u>** I have an approval and a second to move forward to accept recognition. I'd like a final vote count please and all in favor.
- 8 Opposed 0
- 9 10

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Abstention – 1, (Commissioner Owings)

- 12 **Motion carries** -6 0, with one Abstention, (Commissioner Owings)
- 14 VICE CHAIR SALAS Staff wrap up

PLANNING OFFICIAL TERELL – Yes this action shall become final unless
 appealed to the City Council within 10 days.

- 19 **VICE CHAIR SALAS** I'd like to move on to the next case.
  - 2. Case Number: PA11-0031 Conditional Use Permit
    - Case Planner: Julia Descoteaux, Associate Planner
- 23 24 25

26

VICE CHAIR SALAS – Could you give us your wrap up?

27 ASSOCIATE PLANNER DESCOTEAUX - I'm Julia Descoteaux, Associate Planner. Before you this evening is item PA11-0031, a Conditional Use Permit 28 29 for the installation of a 75 foot tall monopine telecommunications facility to include 12 antennas, one microwave dish and a GPS antenna and the 30 31 associated ground equipment located on the southwest side of the existing 32 school building at the church site, located in the Residential 2 Zone. The 33 equipment building will be located within a fenced area with the fence 34 constructed of wrought iron wood mesh fencing in-between for screening, three 35 live trees a minimum of 15 feet in height will be planted and vines will be added 36 to the sight for additional screening. The project meets requirements for the 37 City's Municipal Code for Telecommunication Facilities.

38

39 The Municipal Code also requires that facilities be designed with the ability to 40 have future carriers co-locate on the existing facilities. However to the height of 41 the existing 45 foot monopine tree on the north of this particular tree, the 42 Applicant could not meet the setbacks to co-locate on that particular carrier's facility and therefore this carrier had to come in with a separate application. The 43 44 project is located within the existing church site, west of Heacock Street and 45 north of Meander Court. The monopine will be located a minimum of 75 feet away from the nearest residential property line and approximately 500 feet from 46

1 any nearest residence. The site is located near a large amount of undeveloped 2 R2 zoned parcels to the north, south and west. The project has been reviewed 3 and the design of the monopine conforms to the standards to the City's Municipal 4 Code for development within the Residential 2 Zone for communication facilities. As proposed, the branches for the monopine will start no higher than 15 feet 5 above grade and installed to ensure complete coverage of the antennas. The 6 7 antennas and all auxiliary equipment and hardware attached to the monopine will 8 be painted and covered faux pine needles to match the pole. The equipment will 9 be installed in a pre-manufactured structure situated within the fence leased area 10 of approximately 980 square feet. The proposed building will be painted brown to match the existing communications facility which is to the north of this and 11 12 protected by an 8 foot high wrought iron fence with mesh screening added to 13 that. A minimum of three live trees will be planted along with vines and irrigation 14 and installed outside the fenced area for the screening.

15

16 Based on a review of the project a determination has been made that this project gualifies as a Class 32 Categorical Exemption for the California Environmental 17 Quality Act, Section 15332 for Infill Development. This determination is based on 18 19 the criteria as described in Section 15332. Several site improvements have been 20 conditioned to mitigate the potential aesthetic impacts. The improvements 21 include the planning of the three live trees and they have to be evergreen; vine 22 plantings along the exterior sides of the wrought iron fence and iron mesh to 23 screen the interior of the fenced area. The trees species chosen are required to 24 grow to height of at least 50 feet upon maturity.

25

26 Public notice was sent to all property owners within 300 feet of this property and 27 to date I have received no phone calls. We've modified one condition and we've presented that to you. It is Condition P9 which talks about the leased area and 28 29 the new condition will read, "the antenna array shall not extend beyond the air space easement granted by the property owner and any other equipment 30 31 associated with the telecommunications facility shall be placed within the 32 screened leased area. Prior to building permit issuance they shall revise the site 33 plan to show the lease area and the air space easement and provide a copy of the executed air space easement agreement". This concludes Staff's report and 34 35 at this time I can answer any questions for you. Thank you.

36

37 VICE CHAIR SALAS – I have one. Why couldn't they co-locate with Sprint?

38

39 ASSOCIATE PLANNER DESCOTEAUX – With the existing facility?

40

41 VICE CHAIR SALAS – Exactly 42

**ASSOCIATE PLANNER DESCOTEAUX** – They needed higher antennas and 43 44 the existing tree is only 45 feet high and the antennas on that existing facility are at the top of the tree, so for this facility to come they would be putting their 45 antennas lower and they would not meet the coverage that they require. 46

1 VICE CHAIR SALAS – I understand that. Is Tony Hetherman involved in this or 2 this is not a park; right? 3 4 ASSOCIATE PLANNER DESCOTEAUX – No it is not a park 5 6 VICE CHAIR SALAS – Are we holding to basically the same guidelines as what 7 they hold us to on the parks? 8 9 ASSOCIATE PLANNER DESCOTEAUX - Well we go by the Municipal Code; 10 the requirements, so they are fairly consistent with parks, it is just when we have a facility on a park, then Tony is actually executing the lease agreement for 11 12 those. 13 14 VICE CHAIR SALAS - I've been held for his standard for about five times, so I 15 want to make sure everybody else does. No I understand. Thank you. 16 17 **COMMISSIONER VAN NATTA** – Is this display over here what that is going to look like? 18 19 20 **ASSOCIATE PLANNER DESCOTEAUX** – Yes that is the materials for it. We've 21 conditioned it to have a minimum of three branches per foot and extend beyond 22 the antenna a minimum of two feet, so again that is a rendition, but we'll make 23 sure that when it comes in it will have a full foliage tree. 24 25 **VICE CHAIR SALAS** – The trees that were having them put in next to around the site, how tall are they? 26 27 28 **ASSOCIATE PLANNER DESCOTEUAX** – Upon maturity, they need to be a 29 species that will grow up to 50 or a minimum of 50 feet. 30 VICE CHAIR SALAS – We don't have a minimum of what they can put in at the 31 32 time. Are we asking for 24 inch box trees or are we asking for 40 inch box trees 33 or do we... 34 35 ASSOCIATE PLANNER DESCOTEAUX – We're asking for a minimum of 15 feet high right now when they are installing them and they have to be evergreen. 36 37 38 VICE CHAIR SALAS – Okay we're not calling out the actual size of the box are 39 we John? 40 **PLANNING OFFICIAL TERELL** – No as Julia said, it is the height that we are 41 concerned about. The trees will be at least or they'll extend at least to the bottom 42 43 branches of the facility once it is built and provide screening. 44 45 VICE CHAIR SALAS – So 15 feet... 46

- 1 **PLANNING OFFICIAL TERELL** Which is bigger than a 24 inch box.
- 3 <u>VICE CHAIR SALAS</u> Yes I would say a 48. Okay, thank you. Is there anything 4 further for Staff? Okay, at time I like to close the Commissioner questions of 5 Staff and call the Applicant forward. Please state your name and address, 6 ma'am.

8 <u>APPLICANT</u> – Good evening Commissioners. My name is Judy Mah with Real 9 Com Associates representing the Applicant, Verizon Wireless and our address 10 for Real Com is 18301 Carmen Avenue, Suite 910, Irvine and we have worked 11 with Julia and John and we really appreciate their efforts and we have no 12 objections to any of the conditions, so I'm here to answer any of the questions. 13

- <u>VICE CHAIR SALAS</u> Does anyone have questions for the Applicant? You are
   going to get off easy. Thank you very much.
- 16 17

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APPLICANT – Okay thank you

19 <u>VICE CHAIR SALAS</u> – Okay thank you very much and I'd to open it up to Public
 20 Comments. I don't have any slips so I'd like to open it and close it for Public
 21 Comment. I'd like now to go to Commissioner Debate. Do we have any
 22 concerns?

23

<u>VICE CHAIR SALAS</u> – As for the cellular sites, a lot of people don't like the
 antennas but they want the service and I'm a big proponent and I've been in
 business a long time, so I'd like to close...

28 <u>**COMMISSIONER GIBA**</u> – I don't have any questions but I went up into the area 29 and took a look and I think it's going to be just fine. With the mountains in the 30 background you wouldn't notice it and the current 45 footer you don't even see it 31 and coming down and I went all over and this is just fine.

- 33 <u>VICE CHAIR SALAS</u> I mean you can't beat it. The trees that are going to be
   34 up there never turn brown.
- 35

32

36 **<u>COMMISSIONER GIBA</u>** – No I thought it was a good plan.

37

- 38 <u>VICE CHAIR SALAS</u> And the service is good, so I'd like to close
   39 Commissioner's Debate and go to a motion. Do I have a motion to approve this?
- 40
- 41 <u>COMMISSIONER CROTHERS</u> I motion to APPROVE Resolution No. 2011-31
   42 and thereby:
   43
- 44 1. **RECOGNIZE** that PA11-0031 Conditional Use Permit qualifies as an
- 45 exemption in accordance with CEQA Guidelines, Section 15332, Infill
   46 Development Project and,

- 1 2. **APPROVE** PA11-0031 Conditional Use Permit, subject to the attached 2 Conditions of Approval included as Exhibit A.
- 2 3
- 4 **VICE CHAIR SALAS** Do I have a second?
- 5 6 <u>CHAIR BAKER</u> – I'll second
- 8 **VICE CHAIR SALAS** All those in favor?
- 10 Opposed 0
- 11

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- 12 Motion carries 7 0
- 14 VICE CHAIR SALAS Staff wrap up
- PLANNING OFFICIAL TERELL Yes this action shall become final unless
   appealed to the City Council within 15 days.
- 19 **VICE CHAIR SALAS** Thank you 20
  - 3. Case Number: PA11-0008 Conditional Use Permit Case Planner: Jeff Bradshaw, Associate Planner
- 23 24 25

26

- VICE CHAIR SALAS Hi Jeff go ahead
- ASSOCIATE PLANNER BRADSHAW I'm Jeff Bradshaw, Associate Planner with the Planning Division. Item 3 before you this evening is a Conditional Use Permit application for the installation of a telecommunication facility on a street light here in the City. It's the first installation of this type for our City. It is one that is done in other jurisdictions but it is new for us. We have approved a number of telecommunication towers in parks and other locations and properties that the City owns, but this is a first in the right-of-way.
- 34

35 The proposal is to locate specifically on a street light location located on Perris Boulevard; the west side of Perris approximately 400 feet south of Manzanita 36 Avenue in an area of the city within the Sunnymead Ranch Specific Plan. The 37 38 existing pole is approximately 30 feet in height and what is proposed here is the 39 replacement of that pole with a pole of comparable height, larger diameter with 40 the addition of a metal radome or cap on the top of that where the antennas 41 would be screened. In terms of the replacement they are looking at an area 42 within the right-of-way.

43

The existing pole happens to be located next to a mature tree in the parkway and the applicant came to us with the suggestion of shifting the pole to the north to avoid having to remove that tree and Staff was supportive of that idea, so we are able to protect the parkway tree that is there. The support equipment will be
placed within a vault that would be underground in proximity to that pole and so
the only above ground impact at this location would be vents for the below
ground equipment and the street light itself.

5

6 We had an opportunity to coordinate with the homeowners association. The 7 circumstances here are somewhat unique. It is within the right-of-way. The 8 parkway in this case is maintained by the homeowners association as opposed 9 to the City and with their involvement in terms of maintenance we had an 10 opportunity to coordinate with them and make sure they were okay with the change that this would bring and the applicant met with them and through an 11 12 exchange of correspondence it was clear to Staff that the homeowners 13 association was supportive of this use. Through our noticing efforts we were 14 able to provide to homeowners within 300 feet a public hearing notice, as well as 15 a newspaper notice and post the site.

16

17 The applicant also took the time to conduct a community meeting at the homeowner's association clubhouse and he can provide more information on that 18 19 but that was something that took place this week leading up to tonight's hearing. 20 In response to our noticing efforts I only heard from one homeowner who lived 21 from what he described across the street from this location and once he had an 22 opportunity to see the plans and receive more information about the project, he 23 seemed to be okay with the project. In terms of environmental impacts, the project by going into the right-of-way and the construction occurring on an 24 25 existing facility would be considered exempt from the California Environmental 26 Quality Act as a Class 1 Categorical Exemption as an Existing Facility.

27

28 The conditions of approval were written to ensure that at installation the finished 29 project will look like the plans and photo simulations that have been provided; the pole is conditioned to match the design and color of the existing street pole. As 30 31 we reviewed the conditions with the applicant, the only concern that they had was with condition P5 which is a standard condition for telecommunication 32 33 facilities but it doesn't really make sense in this case. P5 requires that the facility 34 be designed to accommodate co-locations in the future and in this case there 35 really wouldn't be an opportunity for another carrier to add their equipment to this pole, so our recommendation would be to proceed with the approval of the 36 37 project with the deletion of condition P5 and with that, that concludes my report 38 and I'd be happy to answer any questions that you might have.

- 39
- 40 <u>VICE CHAIR SALAS</u> Okay, that concludes Staff's report. Do we have any
   41 questions for Jeff?
- 42

43 <u>**COMMISSIONER GIBA**</u> – I do have one. Jeff, just two real quick 44 questions...where you posted the signage for the public noticing; is that the 45 actual location and the actual... I couldn't pace it off, but I went up there to take a 1 look at where that specific street light was. Is that the intended street light at that 2 location?

2 N 3

ASSOCIATE PLANNER BRADSHAW – I haven't been out to see where they posted the sign, so I couldn't say. The intent typically would be to have them do that. This is somewhat unique because there is not an address or a property line, but there is an existing pole there. The location is approximately the dimensions you provided but in this case I'd be hesitant to say that it would be exactly where the sign is.

10

11 **<u>COMMISSIONER GIBA</u>** – There are a lot of large trees and that it was a good 12 location from that standpoint. The other question that I had is the underground 13 access; the securing of that access; is it going to be well secured such that 14 nobody could get in there. You know a lot of vandalism etc., so how are they 15 ensuring that nobody could access that telecommunications underground vault 16 so to speak?

17

ASSOCIATE PLANNER BRADSHAW – I think I'll let the applicant respond to
 that. I think he'd be better able to explain exactly how the access will be secured.

- 21 COMMISSIONER GIBA Thank you. That's all Jeff
- 22

<u>VICE CHAIR SALAS</u> – Jeff I have a question. On the drawings here, they show
 two different things. They show on the meter pedestal and where we are going
 to place the meter and phone pedestals, it shows an A-frame behind it which is
 really ugly and...

27

28 ASSOCIATE PLANNER BRADSHAW – It is and an oversight on my part. I meant to explain that. As we moved through the preparation of the Staff Report 29 towards this evening there wasn't time for revisions to be made to those photo 30 31 simulations. The original proposal included an above ground pedestal for the meter, which is not something that Staff wanted to see and we asked them to see 32 33 if they could revise that and come up with something that we would more 34 typically expect to see in the right-or-way; maybe put them in a box possibly or 35 something that we've seen like a cable box or something like that. In addition to that we were going to require some type of landscape screening and that 36 37 became a concern for the homeowners association. They didn't want to take on 38 the additional cost of having to maintain landscape that hadn't been there 39 traditionally. The applicant went back to Southern California Edison to see if they 40 couldn't find a different way to meter the project and they agreed to do that and 41 were able to get rid of the pedestal. So while the pedestal still shows up on the 42 photo simulations I believe, the drawings themselves should have been revised; 43 if not we have conditions on the project that would basically restrict the above 44 ground equipment to just the ventilation vents themselves, so the pedestal will go 45 away with this installation.

46

<u>VICE CHAIR SALAS</u> – Because I mean there is a way with this landscaping to
 move it back and kind of stealth it, because right now that it's kind of an eyesore
 the way it is right now.

4

5 **ASSOCIATE PLANNER BRADSHAW** – Yes the pedestal won't be there at 6 construction. What you'll see basically is the same sod or grass that is there now 7 with an area cut away for the hatchway access to the vault and then the two 8 vents that would stick up above the grass.

9

10 <u>VICE CHAIR SALAS</u> – Having put up a couple of these in my career and I 11 understand what you are saying but I mean there is definitely a way to disguise 12 them or stealth them. Okay, thank you. Do we have any more questions for 13 Staff? Okay, thank you very much Jeff. At this time I'd like to call up the 14 Applicant please. Please state your name and address sir.

15

16 APPLICANT ROGERS – My names is James Rogers appearing on behalf of T-Mobile West; the applicant. My office address is 31097 Via Sonora, San Juan 17 Capistrano. I think to address the Commissioner's questions as far as the 18 19 security to the vault; the vault that is placed in the ground is a concrete vault with 20 a heavy duty metal hatch that is hinged, lock secured and that is the only access 21 into the equipment, so unless somebody comes by with a plasma cutter or 22 something, they are not going to be getting into it and if there are any other questions that I can answer for the Commissioners... 23

24

<u>COMMISSIONER CROTHERS</u> – I do have a question. I was just wondering why
 you are going with this design of the light post rather than the trees that have
 been done previously?

28

29 **<u>APPLICANT ROGERS</u>** – Actually in this case it was just purely a result of there was no property; no land available for lease where we could place a tree and 30 31 have it meet the City's development standards. You know it is a residential area on both sides of Perris. Our radio frequency engineers had identified a very 32 33 large gap in coverage basically centered around Manzanita and Perris so it 34 needed to be in that general area. It is all residential and we looked around and 35 we actually talked with the homeowner's association board about possibly leasing land from them that they owned elsewhere but close enough. They have 36 37 some restrictions in their CCNR's where they could not lease it to us so that left 38 frankly the public right-of-ways and that was the reason that we went that route.

- 39
- 40 **<u>COMMISSIONER CROTHERS</u>** Thank you very much.

41
 42 <u>VICE CHAIR SALAS</u> – I understand where you are coming from. Okay thank
 43 you very much sir. Okay I'd like to open this to Public Testimony and I do have
 44 one slip; Alvin C. Horne. Please step forward and state your name and address
 45 please sir.

46

SPEAKER HORNE- My name is Alvin Horne. I live at 10843 Morning Ridge 1 2 Drive. I'm just directly across the street from this project. I don't have any 3 objections to it but I just had some questions about the notice. If I had more 4 information on the notice I probably wouldn't even be here tonight. One of them is and as I say I have met with them and I got them to answer most of my 5 6 questions I already asked anyway, but one of them I see here on Attachment A, 7 B5 says the facility shall be designed to allow accommodation to co-locate 8 additional telecommunication equipment and with that I was just wondering if this 9 is going to be if another telecommunication company is going to be able to locate 10 equipment on this pole and I know he was talking about they don't have a dead spot or something in that area and in this dead spot are we going to be approving 11 12 them for all the other companies down in here if they come in with the same kind 13 of application. There are about three or four other telecommunication companies 14 in the area I think.

15

16 Another thing if we had more information on this, as I said I probably wouldn't be here because it talks about all their equipment is going to be located below 17 ground except; we don't say except but it says also requests further extension of 18 19 approximately 780 feet of telecommunication lines. It doesn't say if that is going 20 to be below ground in the public announcement sent out to the homes. I found 21 out yesterday; later on that you have information that it is going to be but it 22 doesn't say there. Also, it doesn't show the proper Council District on the notice either. It doesn't show the proper Council District so if I had any questions on it 23 and any problems with it I could have went to my City Councilman with it. It is 24 25 showing District 2 and it is not in District 2. All it says that it's in Sunnymead Ranch. As I say most of my questions have been answered either tonight or 26 27 when I met with them. I don't have any problem with it. It is the lack of accurate information on the announcement and it brought me here tonight and I had some 28 29 more questions but... yes I really don't have any more. That's all I have for 30 tonight.

31 32

33

VICE CHAIR SALAS – Do you want to answer some of those?

34 **PLANNING OFFICIAL TERELL** – Yes I think the idea is as Jeff said earlier, we 35 are recommending the deletion of the co-location condition just because it is not relevant to this application. Let's say even if you left it in there, an application for 36 37 co-location would require a separate Conditional Use Permit and therefore it is 38 not automatic that a second carrier could go on it, even if it was built for it, it is 39 not automatic. It requires a separate Conditional Use Permit, but in this case 40 Staff is recommending that we not require that ability. It doesn't mean that 41 somebody couldn't apply for it but we're not going to require the facility to be built 42 for that.

43

The second had to do with the utility extension and again it was just notifying people that they'll be digging the ground for what is it; 780 feet in order to put in underground line. I would agree it would be clearer to say underground but sometimes the notices get a little bit too wordy and we try to keep them brief so people have an idea; and we appreciate when people actually read it and call us. The intent of the notice is to peak people's attention and get them to be concerned about their community as Mr. Horne is.

5

The last is the District 2... this is a very unusual application. It is in the public 6 7 right-of-way. The boundary of District 2 is Perris Boulevard but when District 8 numbers are assigned to a case, they are assigned automatically by the permitting system based on an underlying map. The line has to be placed 9 10 somewhere. The line is not placed in the middle of Perris Boulevard. It is placed at the edge of the right-of-way and in this case the map put the line on the west 11 12 side of Perris Boulevard, so it is the boundary between District 1 and District 2, 13 but in the system it was identified as District 2 because flipping a coin our 14 mapping folks decided that the boundary was on the west side, so that's kind of what happened there, but it is very unusual because usually these applications 15 16 are on private property or a public park and it is clear which side of the line they 17 are on, so I apologize for the confusion but that is what happened in this case. 18

19 VICE CHAIR SALAS – And with that being said we've also got to commend Mr. 20 Horne for actually reading the application and actually knowing our boundaries 21 because we take a poll on this and in this City nobody really knows where the 22 boundaries are, so I commend you sir and the drawings show basically show that 23 it is going to be an underground equipment, which in the right-of-way is very 24 common, so thank you very much. I'd like to now open this to Commissioner 25 Comments. Do we have any Commissioner's comments?

- 26
   27 COMMISSIONER VAN NATTA The only thing I want to say is if Sunnymead
   28 Ranch's Association thinks it is okay, that is really doing something because they
   29 are pretty picky and that's a good thing.
- 30

31 <u>VICE CHAIR SALAS</u> – Yes they are. And another thing too is you know it is a 32 funny thing with the cellular people is that everybody wants the service but 33 nobody wants the antennas you know and you can't have one without the other, 34 so there is something to be said for that. Is there any other comment from the 35 Commissioners?

36

37 <u>COMMISSIONER OWINGS</u> – Well I'd just like to thank Mr. Horne for coming and
 38 I'm sorry but you felt that you didn't need to but you are invited to come back all
 39 the time. You had very insightful questions and comments and thank you.

40

41 <u>VICE CHAIR SALAS</u> – Thank you. Okay, I'm going to close Commissioner
 42 Debate and move for a motion to approve or to disapprove. Do I have a motion
 43 to approve?

44

45 **<u>CHAIR BAKER</u>** – I'd like to **APPROVE** Resolution No. 2011-30 and thereby:

46

- 1 1. **RECOGNIZE** that this item is exempt from the provisions of the California 2 Environmental Quality Act (CEQA) as an Existing Structure, Class 1 3 Categorical Exemption and CEQA Guidelines, Section 15301 4 5 2. APPROVE PA11-0008 Conditional Use Permit, subject to the attached 6 Conditions of Approval as amended included as Exhibit A. 7 8 VICE CHAIR SALAS – Do I have a second? 9 10 COMMISSIONER VAN NATTA – I'll second 11 12 COMMISSIONER GIBA - I'll second 13 14 VICE CHAIR SALAS – All those in favor? 15 16 Opposed -017 18 Motion carries – 7 – 0 19 20 VICE CHAIR SALAS – Staff wrap up 21 22 **PLANNING OFFICIAL TERELL** – This item shall become final unless appealed 23 to the City Council within 15 days. 24
- 25 <u>VICE CHAIR SALAS</u> Thank you
   26
- 27 STAFF COMMENTS

28

29 <u>VICE CHAIR SALAS</u> – Do we have any other business so I guess we'll go to
 30 Staff Comments John??
 31

32 PLANNING OFFICIAL TERELL - Yes currently we do not have any items scheduled for your November meeting but there is still a fair amount of time to do 33 34 that, so if it turns out we don't have enough items we'll let you know. We'll 35 probably want to cancel the meeting, but also in the mean time I know you had started a discussion about topics that you wanted to talk about as a Commission 36 37 kind of in a Study Session format, so I think if you can kind of continue that dialogue with either Chair Baker or Vice Chair Salas and so we can start to... I've 38 39 got a list of items already and I was hoping to provide those at a meeting where 40 we might have one or two items and you'd have time to discuss some additional 41 items but if there are specific topics beyond the ones you have already mentioned please let the Chair or the Vice Chair know about that and we can 42 43 start preparing those.

44

45 <u>COMMISSIONER OWINGS</u> – Mr. Chairman, if I could... John has the Council
 46 made any similar progress in terms of Agenda items or are we aware of that.

PLANNING OFFICIAL TERELL - The request has been made and as yet I have 1 not heard back on any specific time frame for a meeting. I know they had out of 2 their retreat that they had this summer, there was a very long list of items that 3 4 they wanted to talk about and those are being scheduled. They are actually doubling the number of Study Sessions in a month from one to two in order to get 5 through that laundry list of things that they wanted to discuss. Whether we can fit 6 7 something in there or not I will continue to monitor that. 8 9 **VICE CHAIR SALAS** – Thank you. Do we have any other Commissioner's 10 Comments? 11 12 PLANNING COMMISSIONER COMMENTS 13 14 VICE CHAIR SALAS – Thank you. Do we have any Commissioner Comments? I'd like to say welcome aboard to Jeff. I hope everything is as good as you think 15 16 it is going to be. 17 18 **COMMISSIONER OWINGS** – It is good to see you Ray. 19 20 VICE CHAIR SALAS – Is there anybody else? 21 22 **COMMISSIONER VAN NATTA** – This is the first time since I joined that we've 23 actually had seven people 24 25 VICE CHAIR SALAS – Exactly, it is good to have everybody here. 26 27 ADJOURNMENT 28 29 VICE CHAIR SALAS – So do I have a motion to adjourn? 30 31 **COMMISSIONER OWINGS** – Motion to adjourn 32 33 CHAIR – Second 34 35 CHAIR BAKER – See you later Moreno Valley. 36 37 38 39 John C. Terell Date 40 Planning Official 41 Approved 42 43 44 Ray L. Baker Date 45 Chair

CITY OF MORENO VALLEY SPECIAL MEETING OF THE PLANNING COMMISSION	
NOVEMBER 3 <sup>RD</sup> , 2011	
CALL TO ORDER	
Chair Baker convened the Special Meeting of the City of Moreno Va Commission on the above date in the City Council Chambers loca Frederick Street.	
ROLL CALL	
Commissioners Present: Chair Baker Vice Chair Salas, Jr. Commissioner Crothers Commissioner Giba Commissioner Owings Commissioner Ramirez Commissioner Van Natta	
<u>Staff Present:</u> John Terell, Planning Official Barry Foster, Director of Community & Economic Development Suzanne Bryant, Deputy City Attorney	
PLEDGE OF ALLEGIANCE	
APPROVAL OF AGENDA	
CHAIR BAKER – May I have a motion to approve the Agenda pleas	se.
VICE CHAIR SALAS – I motion	
COMMISSIONER OWINGS - Second	
<b><u>CHAIR BAKER</u></b> – Okay, moved and seconded to approve the exi All those in favor?	sting Agenda.
Opposed – 0	
Motion carries 7 – 0	

1 2 PUBLIC HEARING ITEMS

3 <u>CHAIR BAKER</u> – The public is advised of the procedures to be followed in this
 4 meeting and these procedures are on display at the rear of the room.

5 6 PUBLIC COMMENTS

8 **CHAIR BAKER** – Comments by any member of the public on any matter which 9 is not listed on the Agenda and which is within the subject matter jurisdiction of 10 the Commission.

11 12

13

7

#### NON-PUBLIC HEARING ITEMS

14 <u>CHAIR BAKER</u> – We have no Non-Public Items tonight and we have no Speaker
 15 Slips on that.

17 PUBLIC HEARING ITEMS

18 19

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21

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1. Case Number:

#### P11-099 Development Agreement Amendment of the TownGate Specific Plan

<u>CHAIR BAKER</u> – Barry Foster, the Director of Community and Economic
 Development for Moreno Valley, if you would present your case on this I'd
 appreciate it.

26

27 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – 28 Thank you. First let me thank you for moving your meeting up a week tonight to 29 have it at this time. We actually have this item scheduled for next Tuesday with 30 the City Council and then we have to have a follow-up second reading on the 31 Ordinance, so I appreciate you adjusting your schedule a little bit for us.

The Master Developer of the TownGate Project has requested an extension of 32 33 the term for the Development Agreement for TownGate. In November 1986 a 34 Development Agreement went into place between the City of Moreno Valley and 35 the Master Developer along with the Specific Plan that really helps shape the development of a 600 acre Master Planned Project. The project included a 36 37 regional mall, five shopping centers and a variety of residential products. Under 38 the terms of the Development Agreement there is an ability to extend the term of 39 the Agreement. If there is a delay of the overall project in completing the project, 40 the results from challenges such as economic conditions, financial or market 41 Clearly the Inland Region and Moreno Valley specifically have conditions. 42 encountered several market down-turns over the years.

43

Five years ago, the Development Agreement was extended for the past years.
The Developer is now asking for another five year extension so it will allow for
the further development and the completion of the project. Staff is

1 recommending approval of a five year extension. Clearly I have been here six years and for probably the last four years we really haven't had any new ground 2 up retail or restaurant development in Moreno Valley or really in this area. We 3 4 went through that period that they call the great recession. There was almost a three year period that was pretty intense. Sales were down across the board for 5 retailers and restaurants and in the Inland Region it was a significant challenge to 6 7 entice and try to encourage any kind of retail or restaurant development in this 8 area.

9

10 I'm happy to report that the market is starting to improve a little bit, but really it is still challenging. The Inland Region still has a stigma that whenever you read the 11 12 paper or look at any kind of news that they love to talk about unemployment; they love to talk about foreclosures and it is really challenging when you are talking to 13 14 potential users about locating here in Moreno Valley or really in the Inland Region as a whole, but it is improving and so we've had after 11 straight guarters 15 16 of decline in terms of sales tax here in Moreno Valley and really across the Inland Region, we've now had the past four guarters where we've actually had sales 17 increases. So I mean it is encouraging. We've actually had a couple of guarters 18 19 where we've had double digit increases and that is very encouraging. I don't 20 think that we're out of the woods yet.

21

22 The City Manager and I went to an Economic Forecast in Riverside where they had folks throughout the Inland Region from both Counties get together and kind 23 of look at what is happening and what the future is. I think from one perspective 24 25 the worse is certainly behind us. We are starting to see some improvement and some growth. There really is; the experts that were there today, they are not 26 27 looking at a double dip recession and that is a good thing, but growth is going to 28 be very slow and it is going to take a long period of time to get back to where we 29 were before we went into that period there in late 2007 when the market really turned and entered the period they call the great recession and with all that 30 31 retailers and restaurants are still very leery about looking at the Inland Region for new development opportunities. I'm very happy to report that we've actually got 32 the lease in place with TJ Maxx and HomeGoods to go into the former Ralph's 33 space; that 51,000 square foot space. We worked on that for four years. We 34 35 had an approval. We lost it through the real estate committee. We were able to bring it back and actually once we had TJ they came back to us and said we'd 36 37 like to make this a combination store and bring in HomeGoods too. We had 38 talked to them about Home Goods for a long time and they didn't even want to 39 look at this area. I mean they were really focused on Orange County.

40

They have one combo store in Tustin right now and this will be the second and so that is encouraging. It is going into a vacant space; an existing space. The rent is very low there. You just can't build ground up development right now. You can do it on the industrial side and you're seeing a lot of interest there and you have big institutional players that are using their equity to build projects now. There is enough interest there. On the retail side it just doesn't pencil. By the time you try to build a new project and not even getting into the fees, it is probably in the eleven to twelve dollar range a square foot and the rents are more like seven to eight dollars right now. It is just very, very challenging to do a ground up development let alone even to try to go into an existing space. But again, we are very encouraged that we've been able to land TJ and Home Goods.

7

8 We've also have very promising negotiations going on for the other two anchor 9 spaces in TownGate Center; the old Staples space and the old Circuit City 10 space. I'm really hoping that those materialize in the next few months and one thing is that it takes a very, very long time to track somebody to gain their interest 11 12 and then to complete the transaction. The different levels of approval you have 13 to go through with these corporate entities. I've been doing this for over 20 years 14 and it is a lot different than when I started. It is a lot different than it was four or 15 five years ago. It just takes a very, very long time to get something done with the 16 levels of approvals and all the attorneys that get involved. When you think you have a deal and you have the letter of intent, it takes many, many months then to 17 get it past the finish line and get it done. It just takes a long time. 18

19

20 So with all that there is some good news that we have a couple of deals in place 21 and the potential for some more, but again the market really doesn't support 22 ground up development right now. However, when it does come back and again we're hoping that the economy will improve and things will get better, we're 23 hoping that we'll have this Development Agreement still in place which really will 24 25 help us compete and complete the TownGate Plan. You know the big provision in that Development Agreement when it went into place is that it froze everything 26 27 and so there was no TUMF; there was no transportation uniform mitigation fee 28 then, so you didn't have any development impact fee then, so they are not in 29 play. That's what the Development Agreement does and so we're hopeful that we can extend that and keep that waiver of those fees because really when the 30 31 market does come back it will allow us to compete and get some of these new tenants and projects done and without the extension the Development 32 33 Agreement and TownGate would be very challenging.

34

35 We would be competing with Riverside on the west side of Day Street is the City of Riverside. Riverside doesn't have a development impact fee and so without 36 37 that extension of the Development Agreement and without that waiver of the 38 TUMF fee it would be extremely challenging competing for projects with the other 39 side of Day Street. So again that provision in the Development Agreement is in 40 place to allow for an extension because of the economic challenges that we've 41 had and the ability to then go ahead now and extend it and complete the rest of 42 the project.

43

I want to point out that the extension of the term of the Development Agreement
 would only apply to the property that is controlled by the Fritz Duda Company
 and their affiliates. They are the original Master Developer for the TownGate

1 area. Those are the new development opportunities that they control. All the parcels that have been sold off to Winco; to Costco; to Lowe's and there is a 2 number of Hotels; those would not apply to the extension. They are already 3 4 developed. They don't need to have the extension and it would also apply to the Moreno Valley Mall and their new owner which is Town Circle Holdings and that 5 is an affiliate of CW Capital. There are some other development opportunities 6 7 that we are working on with them too to develop some new things at the mall to 8 help really reposition that mall, so it would apply to those areas. It would not apply to the anchors at the mall. They have their own properties. That would be 9 10 JC Penney, Sears, Macy's, Harkins and then the old Gottschalk's building. It would apply only to the opportunities for new development at the mall and so I 11 12 passed out a couple of maps that show the areas that really apply for the 13 extension and then there is also a listing that actually spells out from the legal 14 perspective the parcels that would have the ability to have the extension or the benefits of the extension. John Loper with Fritz Duda Company is here too. He 15 16 is the Vice-President. If you have any questions of him and with that we are looking for your support for the extension and I'd be happy to answer any 17 18 questions.

19

20 **CHAIR BAKER** – First off Barry I want to express our appreciation from the Planning Commission for all the work you've done for Moreno Valley here in the 21 22 last three or four years for sure and even the previous two, so being said with that, I think I want to open the meeting up to Planning Commissioners questions 23 24 of Barry Foster.

- 25 26 **COMMISSIONER OWINGS** – Mr. Chairman I'd like to ask a few questions. Mr. 27 Foster how are you?
- 28
- 29

**COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – Great 30

31 **COMMISSIONER OWINGS** – I appreciate the map. Just for general informational purposes I wonder if you could help, you know just kind of putting 32 the parcels to the map. For example like the green area that is highlighted over 33 the Sports Authority, would the Sports Authority building be part of that or is it just 34 35 the... you know I'm not clear which portions of those parcels would be included.

36

37 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – That 38 is one parcel in there and it says there is building pad opportunity F that is part of 39 that parcel and so it is one parcel and so for legal parcel purposes we've 40 included the whole thing.

- 41
- COMMISSIONER OWINGS I see. Could you take us through the colored 42 43 areas just for general information so we know what is left there?
- 44

45 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Sure. In the TownGate Crossing area there is a pad opportunity with F and also a pad 46

1 opportunity potentially in that area where A is and again that is one parcel in there. As you move on to TownGate Promenade it is H and J and then all the 2 ones that are down there where it is I, K, L, M, N, O and those are also potential 3 4 development opportunities and then if you go down to TownGate Square, it is B, C and D. Those are also pad development opportunities and then in and around 5 Winco those are also all development opportunities. And then if move over to 6 7 TownGate Center there is an opportunity between A1 and I think that is A2 there 8 is a pad opportunity there and again that is all one parcel and then when you get down into TownGate Center that is again another parcel and there is actually 9 10 some opportunity to take down some parts of some buildings in there and expand those. 11 12 13 **COMMISSIONER OWINGS** – Where it says future building; adjacent to that? 14 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – Yup, 15 16 there is there and then potentially some of that shop space could be realigned 17 too. 18 19 **<u>COMMISSIONER OWINGS</u>** – Okay, so much of the development is really... a lot 20 of more is done that the map would indicate 21 22 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – That's 23 correct. 24 25 **COMMISSIONER OWINGS** – Thank you Mr. Foster 26 27 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER -You're welcome 28 29 30 CHAIR BAKER – Does anyone else have any questions for Mr. Foster? 31 COMMISSIONER GIBA - Just a couple. First of all I want to thank you Mr. 32 Foster; Barry. I want to thank you for the clarity. 33 34 35 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER -36 You're welcome 37 38 **COMMISSIONER GIBA** – And the good discussion because you cleared a lot of 39 questions that I had earlier and that was wonderful. In the brief that you also sent you mentioned jeopardizing the momentum and litigation from the 40 developer. What kind of litigation would you be speaking of when they say 41 litigation from the developer if we didn't approve it just for my own clarity? 42 43 44 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER - Did | 45 say litigation?

46

<u>COMMISSIONER GIBA</u> – Unless I guess it's TownGate and potentially exposes
 the City to litigation from the developer of the TownGate development project.

3 4

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER - 1

5 didn't mean to imply that; there is no litigation.

7 **COMMISSIONER GIBA** – Okay

9 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – I think 10 I said competition with Riverside

11

<u>COMMISSIONER GIBA</u> – Because it was on the alternatives on page 3 on the
 one that you had sent me from the report to the...

14

15 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> – Oh
 16 I'm sorry, well that's the City Council. I guess potentially because there is that
 17 provision in there that there could possibly be some potential for litigation if there
 18 is not an extension.

19

20 COMMISSIONER GIBA - Okay so I was just kind of curious what kind of litigation that would be that they would have to go through so just a curiosity point 21 22 for me? I'm new at this so I'm trying to get clarity and better understand these things so please forgive me if I overstep. One question that I did have though is 23 what would be the consequences of not approving an extension. I mean from the 24 25 standpoint of the City if we said no for an extension of five years, what then take place. What would be our responsibility to the City without this agreement in 26 27 place? How does that work? I couldn't figure that out in my readings what would 28 happen and what would be the consequences of saying no I don't want to extend 29 it for five years?

30

**COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – I think 31 32 I highlighted a little bit of that in my opening remarks is that I think it would be very challenging once the market comes back and you are starting to see ground 33 up development again. I think it would be very challenging to put together 34 35 performers that would make sense for a retailer to come in and for a developer to build a project if they are having to pay TUMF and DIF and again I think the 36 biggest challenge is not only getting them to look at Moreno Valley and so we're 37 38 competing... just to get them to look at the Inland Valley Region that is really 39 tough right now, but then again it is looking at here rather than Corona or Rancho 40 Cucamonga or someplace else, but then specifically in this area we've got the 41 big brother next door with the City of Riverside and just that whole market and potentially when tenants are looking at this market, they really don't look at it that 42 that's Riverside and this is Moreno Valley, they look at it as kind of the Moreno 43 44 Valley market area, but if they locate on that side of the street, they wouldn't have to pay DIF; that development impact fee and if they develop there the sales 45 tax goes to the City of Riverside. 46

1

2 That one percent that we get in sales tax would go to the City of Riverside and 3 we try to talk to people about that all the time. When you shop at Target on the 4 west side of Day Street or Best Buy you are contributing and helping the City of 5 Riverside and you are not helping Moreno Valley and so you need to be going up to Stoneridge and shopping at that Target and that Best Buy, so I guess the 6 7 shorter answer was, I think it would severely hinder our ability to see new 8 development happen and it would potentially I think drive some of those possible 9 users and tenants to the west side of Day Street and the City of Riverside.

10

# 11 <u>COMMISSIONER GIBA</u> – So we'd be like the markers rather than them and the 12 DIF would come into play. Am I correct?

13 14

# COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – That's right

15 r 16

17 **COMMISSIONER GIBA** – Right, just for clarity and just so I understand it and if 18 anybody else questions it so I understand it better. I guess this is a better 19 question for the developer but do they have a potential timeline because it says 20 they have some ideas of what they want to do with those. Are they actually 21 giving you any kind of a timeline or anybody else that they intend to bring in or is 22 it right now a clear slate for the next five years?

23

24 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER - No 25 potentially there are a lot of tenants that we are talking to especially restaurants. 26 Again we're trying to take that momentum and seize the market place, but again 27 even with potential for restaurants for ground up development right now it is very 28 challenging to put a time line on there, but there is a number of them. I go to 29 three conferences a year with shopping center conferences and we're talking to anywhere from 20 to 30 potential users at those events and trying to have 30 31 dialogue and momentum and interest. Again in this market they take time, but 32 I'm certainly happy to have the developer up and he can elaborate a little bit 33 more if you like.

34

35 PLANNING OFFICIAL TERELL – If I can add on just before that, on the map 36 where they show buildings there, the property owner has actually gone forward 37 and gotten projects approved. They just aren't able to build those because they 38 can't find tenants, so there are a lot of entitlements; really projects that could go 39 ahead tomorrow if there were tenants, but there aren't tenants tomorrow, so it 40 keeps those alive also.

41

42 <u>**COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER**</u> – That's 43 a good point because if you look at the map those are footprints and so those are 44 approved and entitled and again as John said a lot of those we actually had 45 tenants for those before the market turned. We had a Red Lobster; we had a 1 Famous Dave's; we had On the Border; we had those deals in play and when the 2 market turned they went away.

3

5

4 **CHAIR BAKER** – Are there any other questions for Mr. Foster at this time?

6 COMISSIONER OWINGS – Mr. Chairman one more question if you would. Mr.
 7 Foster for a point of clarity, just so I know, really the forgiving of the DIF fees or is
 8 it the TUMF fees?

9

10 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – It is 11 both

12

<u>COMMISSIONER OWINGS</u> – That really isn't contingent on a Master
 Development Agreement right? The City could potentially forgive those fees
 under some other arrangement right?

- 16
   17 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER I'll
   18 defer to the City Attorney. You would have to do it through a Development
   19 Agreement and the City of Moreno Valley controls the DIF; not the TUMF so if we
   20 were to waive that we would have to find another source of revenue to pay for
   21 that.
- <u>COMMISSIONER OWINGS</u> Right, but it wouldn't be possible to do that without
   a Master Development Agreement.
- 25 26 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> – You
- have to do a development agreement.
- 28

22

ASSISTANT CITY ATTORNEY BRYANT – You wouldn't have to do a development agreement since there is already one here in place, this is just extending it.

- 32 **<u>COMMISSIONER OWINGS</u>** Right; but let's say in a hypothetical situation, can 33 the City forgive those fees without a Master Development Agreement?
- 34

36

- 35 **ASSISTANT CITY ATTORNEY BRYANT** No
- 37 **<u>COMMISSIONER OWINGS</u>** Okay, thank you
- 38
- PLANNING OFFICIAL TERELL I think the other thing is Barry said should this
   development agreement and we have a couple of others in town expire, any
   ability related to TUMF or Multi-Species Plan or those other fees that have been
   put into place since the development agreement, those would have to be paid.
   There is no agreement that can waive those.
- 44
- 45 <u>CHAIR BAKER</u> Okay are there any other questions for Mr. Foster. If not at
   46 this time I'd like to open the meeting up to Public Testimony and call forth our first

speaker that would be John Loper. He's with the Fritz Duda Company. If you
 would please state your name and address for the record John I'd appreciate it.

3

SPEAKER LOPER – Ah yes, my name is John Loper. I'm Vice President of the Fritz Duda Company. Our office is 3425 Via Lido, Newport Beach, California, Suite 250 and the zip code is 92663. We also have an office in Moreno Valley but our mail all goes to Newport Beach. Thank you very much for meeting tonight. I appreciate for the fact that the meeting schedule had moved. I'm basically here for any questions that you might have. I will address the issue regarding timing and also plans.

11

12 Prior to the economy having serious problems in 2009, we'd actually approved 13 through the Planning Commission over 100,000 square feet of retail space at 14 TownGate Promenade where the Costco is; just north of the Costco. We had tenants lined up for about 90 percent of that space. That is still an entitlement 15 16 that is in place. We do not have any tenants for that right now, but we are actively trying to get tenants re-interested in it, so the extension of this 17 development agreement would allow us to continue talking to the tenants that we 18 19 were talking with; the ones that are still in business and work on new tenants. In 20 addition, we are in discussions with tenants that might take some of our empty 21 buildings that we have in the center that we built in 1980's at the TownGate 22 Center where the Burlington Coat Factory is and in some of those instances we'd be adding onto buildings or expanding buildings to provide the space that a new 23 tenant needs and this development agreement would allow us to do that with the 24 25 waiver of the fees.

26

27 So in terms of actual timing though, everything is tenant driven by the economics of the macro sales in the Moreno Valley area. We too are seeing some increase 28 29 in sales but they are significantly below what they were in 2007 and 2008 for a lot of our tenants and so as the economy comes back and people get jobs and can 30 31 be able to go out to eat and buy clothes and spend a little more money, we're hoping over the next five years that we can finish out the development and bring 32 33 the high quality type tenants that we have. We went through the recession in the 34 90's here in Moreno Valley and we were surviving and stayed and when that was 35 over we were able to start in 2001 with Lowe's and then Winco and the hotels and we want to have another five years to try to be able to start building again 36 37 when things improve and in the mean time continue to fill up all of our vacant 38 spaces that we have on Frederick, right up the street from here. So, are there 39 any other questions?

40

41 <u>COMMISSIONER RAMIREZ</u> – Hi, good evening and thank you for coming 42 tonight. My question is with the existing empty anchor spaces such as where 43 Staples was and Circuit City and some of those areas, do you plan on conducting 44 any remodeling to the exterior of those places to attract any new business? 45

1 **SPEAKER LOPER** – Actually about four years ago we spent a considerable amount of money taking off the teal green tile and changing the color scheme, 2 putting the stone on it and doing some landscape improvements and improving 3 4 all the lighting in the shopping center and as we move new tenants in, for example when Burlington moved into the Mervyn's building they put the stone on 5 and we did a bunch of paint and other improvements and so as we move new 6 7 tenants into the Staples, Ralph's and the Circuit City buildings, we will follow that 8 same scheme and as Barry mentioned, we'll be submitting plans for the Ralph's 9 building very shortly for TJ Max and Home Goods and that will have stone on the 10 towers and we'll remodel the front façade and actually adding another tower 11 element.

- 12
- 13
  - **COMMISSIONER RAMIREZ** Great, thank you.
- 14 15 16

19

- **CHAIR BAKER** Are there any other questions of John?
- 17 **<u>COMMISSIONER OWINGS</u>** – John, just really quickly, how much do you have undeveloped and how much underdevelopment in terms of square footage? 18
- 20 **SPEAKER LOPER** – These are approximate but we have over a million square 21 feet in our five shopping centers that we have built. There is over a million 22 square feet in the mall and just to let you know that the mall is in favor of this 23 extension also. They are not local like we are, but I've talked with them and they are encouraged by this concept by the City extending the development 24 25 agreement to help them do their redevelopment and we have over 100,000 square feet on Day Street of entitled but not built retail. We have over 100,000 26 27 square feet of office space around the Winco and we have about 50,000 square 28 feet of undeveloped space on the Frederick side in TownGate Center and 29 TownGate Plaza and that is approximate.
- 30

34

- 31 **COMMISSIONER OWINGS** – So the undeveloped square footage is... 32
- 33 **SPEAKER LOPER** – Probably over 250,000
- 35 **COMMISSIONER OWINGS** - So 250,000 square feet...so you have most of the 36 mall developed.
- 37 38 **SPEAKER LOPER** – The mall mostly is developed. They have some additional 39 pads that were approved with the theater complex
- 40
- PLANNING OFFICIAL TERELL The mall has roughly ... they had some 41 restaurants as well as something in front of Harkins and I think altogether it was 42 less than 50,000 square feet. The unknown on the mall and it is unlikely to 43 44 happen, but other things could happen, is that they originally and if you go there, the east parking lot doesn't have any trees in it and the reason for that is all that 45 parking is extra. At the time there was... the Specific Plan includes two 46

1 additional anchors as well as additional mall space, so you know if they've got an 2 exciting prospect, they have the ability to do a lot more there.

3

4 CHAIR BAKER - Are there any other questions at this time from the 5 Commissioners?

- 6 7 **<u>COMMISSIONER GIBA</u>** – Just more of a curious question sir and thank you so 8 much for coming to speak with us because I'm learning a lot. You spent 20 years 9 developing, then came for a five year extension and now we're coming for 10 another five year extension. How much do you anticipate being able to accomplish in the next five years? Do you actually think you're going to get a lot 11 12 of this done? Have you got that plan to get that done or can we expect you to 13 come back for another five year extension and again it's the economy and we 14 understand that?
- 15

16 SPEAKER LOPER - It's all based... we would be able to if things could turn around in the next year or two be able to build a lot of this out or most of it out in 17 a two or three year period. We plan... I built in both of TownGate... well in 18 19 almost all the shopping centers I've built and invested, all the money for all of the 20 parking lots; so if you got out there for example north of Costco; the 100,000 21 square feet and the two restaurant pads, I built all the parking. I put all the 22 utilities in and everything is ready to go for that, so the time frame is not huge for building the buildings and we invested all that capital; reinvested capital basically 23 and put it into the parking lots so that when a tenant comes we can get them in 24 25 fast because if they want to open in a year I can do it because everything is in place. If they want to open in a year in another City let's say because maybe 26 27 we're competing with Corona for the one store that they're going to put in the 28 Inland Empire for this year, if they don't have their parking lot they are not able to 29 do it, so we put that money to vest, so it's possible if things are bad and if they 30 are like they are now for another five years I may be coming back. I mean our goal is to finish it out. We finished all the residential component and we've built 31 in a tremendous amount. We were hoping that we wouldn't be back filling in 32 33 TownGate Center as much. We knew we'd lost Circuit City when we moved 34 them to a bigger store but we didn't think we'd have three other vacant anchors 35 but we're working on getting those filled.

- 36
- 37 **<u>COMMISSIONER GIBA</u>** – Thank you very much
- 38
- 39 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER - If I 40 could just add to John's comments and John knows because we both just got an 41 email today, but we're actually looking at the possibility of the first new ground up 42 restaurant in the last four or five years, but we have a restaurant that is actually 43 looking to acquire a piece of property and then do their own development. We 44 got it approved by their executive committee this morning and so we haven't got the transaction done yet but it is very encouraging. 45
- 46

1 CHAIR BAKER – Okay are there any other comments? If not we'll close Public 2 Testimony at this time and I want to go into the... if we've got some additional Commissioner's Debate on this item I'd like to open that up to that situation now 3 4 if I could. Is there no debate? 5 6 VICE CHAIR SALAS - I don't have any debate but I just think that it is 7 something that the City needs and I support it. I support the extension. I think 8 that it's a no brainer. For us to let it die and for us to let it start all over again 9 wouldn't make any sense at all so I completely agree with giving them the 10 extension. 11 12 CHAIR BAKER – Is there anyone else who has a comment on that and I also feel we need to move forward on this if we are going to be competitive with like 13 14 he was saying big brother next door. You know Moreno Valley has got a little bit of money invested in this mall area from an economic standpoint and labor that 15 16 Barry Foster and the rest of the people put in, so I'd really like to recommend that we go ahead and support this, so at this point if we could get a motion and a 17 second to move forward with this resolution, I'd like to open the floor for that. 18 19 20 **COMMISSIONER VAN NATTA** – Okay I move that we **APPROVE** Resolution 21 No. 2011-32 and thereby **RECOMMEND** that the City Council: 22 23 1. RECOGNIZE that the proposal is exempt from CEQA under 15061(b)(3) of the 24 CEQA Guidelines; and, 25 26 2. **APPROVE** the Third Amendment to the Annexation and Development 27 Agreement 28 29 VICE CHAIR SALAS - Second 30 31 CHAIR BAKER – Okay I have a first and second... final vote; all in favor? 32 33 Opposed -034 35 Motion carries 7 – 0 36 37 CHAIR BAKER – Staff wrap up 38 39 **PLANNING OFFICIAL TERELL** – Yes this item shall be forwarded to the City Council for final review and action and that is scheduled for next Tuesday, 40 41 November 8<sup>th</sup>. 42 43 **CHAIR BAKER** – Okay thank you very much. 44 45 46

- 1 OTHER BUSINESS
- 2 3

4 5

6

CHAIR BAKER – Do we have Other Business we need to look at John?

PLANNING OFFICIAL TERELL - No

7 STAFF COMMENTS

8

9 **PLANNING OFFICIAL TERELL** – Your next meeting is scheduled for December 10 8<sup>th</sup> and we are working on at least two items for that Agenda and if the Applicants don't let us down we will have those for you. They are getting very close and one 11 12 they are very anxious to be on that Agenda so I assume they'll make it is an 13 assisted living facility out on Moreno Beach Drive north of the Stater Bros., so that will likely be there because they are working very hard on that and other than 14 15 that I haven't heard any additional news relative to doing a Council Study 16 Session, so we'll continue to monitor that and I think still looking for you to provide whatever input you have to Chair Baker on items you'd like to talk about 17 18 or with the City Council.

19

<u>COMMISSIONER OWINGS</u> – Mr. Chairman, if we were to have another vote it
 would be 7 – 0 that you look mighty good; you're looking dog gone good. It's
 nice to have you back.

23

24 **<u>CHAIR BAKER</u>** – I appreciate that

26 **PLANNING OFFICIAL TERELL** – Chair Baker, Barry Foster wanted to say...

27

25

28 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – I just 29 wanted to make a comment on something. Both John and I this afternoon attended a bus tour. It's NAIOP, National Association of Industrial Office 30 31 Properties. We actually met in Corona and I think they had seven or eight buses 32 with real estate brokers and developers and they toured the East Inland Empire 33 Region area today to look at projects and opportunities and I was really 34 encouraged that we had an opportunity to participate and talk a little bit about 35 Moreno Valley and that because that new development is really aimed at producing jobs and a number of you hit on that tonight that is what is going to 36 37 drive new development at the mall, is we've always been known as a bedroom 38 community, but we need that daytime population; that's the most important 39 component is producing new jobs and having a better balance between homes 40 and jobs and so we had about 20 percent of all the different projects and 41 opportunities here in Moreno Valley and we've got two projects with a total of 1.5 42 million square feet under development right now.

43

44 We've got some negotiations and interest for potential tenants that are pretty 45 exciting. We have five more buildings that are in plan check totaling about 4.5 46 million square feet and at least two of those have very exciting prospects for

1 tenants that will produce a lot of jobs and these are national world class tenants 2 that we are looking at. They are not done yet but we're very, very encouraged and so I think from a development service prospective, we're really aggressive in 3 4 terms of trying to get these approved entitled projects under construction because in this business it is really first to market. That is what the tenant wants 5 to have. You know they don't want to get into potential for CEQA lawsuits and all 6 7 that and they want to have the risk all taken out of it. There is no product out 8 there available right now; our vacancy rate when we filled up Harbor Freight and 9 Harbor Freight is actually going to start moving product tomorrow. Sketchers 10 started two weeks ago and so you know with Harbor Freight they'll be 350 jobs by the end of the year. If you look at the parking lot, there are a lot there right 11 12 now and so vacancy is 2.2 percent on the industrial side. We have a couple of 13 older buildings over here. We don't have any new product. We don't have any place to put anybody right now, so that's the reason why we're pushing to get 14 whether it is land development or planning or building and safety or fire 15 16 prevention, we are committed to trying to get these done as quickly as possible.

17

First Industrial wanted to be under construction by August 1<sup>st</sup>, but we got them 18 under construction by July 1<sup>st</sup>. If you've been done there, that building is up; the 19 20 roof is on and we actually had the bus stop and they had a hospitality thing there 21 with food for those folks to show it off a little bit more, which really showed off 22 Moreno Valley, and now we're looking to reposition the entire east end with a world class logistics and distribution center out there, a business park that will 23 very similar to what you see with Skechers. So you know we're really excited 24 25 and we're all trying to do our part as a team. I appreciate the Planning Commission and the City Council, but we're trying to move the City forward and 26 27 the development and brokerage communities are taking notice and that's a great 28 thing.

- 29
- **30 PLANNING COMMISSIONER COMMENTS**

31
 32 <u>CHAIR BAKER</u> – Do we have any other final comments from the Planning
 33 Commissioners?

34

### 35 ADJOURNMENT

- 36
- 37 <u>COMMISSIONER OWINGS</u> I move to adjourn
   38

39 <u>VICE CHAIR BAKER</u> – Okay we've got a motion to adjourn. Do we have a
 40 second?

41

## 42 <u>COMMISSIONER VAN NATTA</u> – Second

44 <u>VICE CHAIR BAKER</u> – Okay I've got a motion to adjourn and a second. All
 45 those in favor?

46

November 3<sup>rd</sup>, 2011

1	VICE CHAIR SALAS - Have a good Thanksgiving everybody			
23	CHAIR BAKER - Good night, Moreno Valley.			
4 5				
6 7				
8 9				
10 11	John C. Terell	Date		
12	Planning Official	Dale		
13 14	Approved			
15 16				
17	David Dalvas	Dete		
18 19	Ray L. Baker Chair	Date		

1 2 3 4	CITY OF MORENO VALLEY PLANNING COMMISSION REGULAR MEETING FEBRUARY 9 <sup>TH</sup> , 2012					
5 6 7	CA	LL TO ORDER				
8 9 10 11	Cor		<b>.</b> .	of the City of Moreno Valley Planning Council Chambers located at 14177		
11 12 13	RO	LL CALL				
14 15 16 17 18 19 20 21	Cha Vice Cor Cor Cor	mmissioners Present: air Baker e Chair Salas mmissioner Crothers mmissioner Giba mmissioner Van Natta mmissioner Owings				
22 22 23 24		<u>cused Absence:</u> mmissioner Ramirez				
24 25 26 27 28 29 30	<u>Staff Present:</u> John Terell, Planning Official Jeff Bradshaw, Associate Planner Michael Lloyd, Senior Transportation Engineer Suzanne Bryant, Deputy City Attorney					
31 32	PLEDGE OF ALLEGIANCE					
33 34	APPROVAL OF AGENDA					
35 36	CHAIR BAKER – May I entertain a motion to approve the existing Agenda					
37 38	COMMISSIONER CROTHERS – I motion					
39 40	PUBLIC HEARING ITEMS					
40 41 42	1.	Case Number:	PA12-0001	General Plan Amendment and Specific Plan Amendment		
43 44		Case Planner:	Michael Lloyd			

1 **CHAIR BAKER** – It has to do with the Heacock Street Extension Circulation 2 Element. It is a General Plan Amendment and Specific Plan Amendment. The 3 Case Planner on this will be Michael Lloyd the Senior Engineer for the City and is 4 Ahmed from the Public Works going to speak to this also?

5 6

7

#### PLANNING OFFICIAL TERELL – No

### 8 **<u>CHAIR BAKER</u>** – Okay, so Michael Lloyd you're up

SENIOR TRANSPORTATION ENGINEER LLOYD – Good evening Chair and Commissioners. My name is Michael Lloyd with the Public Works Department, Transportation Engineering Division. Case PA12-001 is a General Plan Amendment and Specific Plan Amendment. Specifically, the proposal is to modify the Circulation Plan of the General Plan to designate Heacock Street from San Michele Road to the City's southerly limits as an arterial. The same proposal applies to the circulation exhibit in Specific Plan 208.

17

18 Currently Heacock Street is not classified south of San Michele Road. In 1998 19 Heacock Street south of San Michele Road was removed from the City's General 20 Plan. In 2006 Council took action to permanently close Heacock Street at the 21 City's southerly boundary. At about the time that Council took action in 2006 to 22 close the roadway, the March Air Reserve Base made an inquiry to the City 23 about reopening the roadway. Since that time City Staff has met with March Joint Powers Authority, City of Perris and the Air Reserve Base to discuss the 24 25 possibility of reopening the roadway. In those discussions it was determined that a Traffic Study would be needed to assess any impacts of connecting Heacock 26 27 Street to Harley Knox Boulevard. It was also determined that Heacock Street 28 would need to be classified within the General Plan.

29

30 City Staff completed the Traffic Study in September of 2011 and the report has 31 been distributed to the Air Reserve Base, Joint Powers Authority and City of 32 Perris for review and comment. All agencies have indicated their support for the 33 Furthermore the Study was presented to City departments. project. No 34 comments from City Staff were received indicating concern with regards to 35 placing this segment of Heacock Street south of San Michele Road on the 36 Circulation Plan. The Traffic Study identified the benefits of constructing 37 Heacock Street from San Michele Road to Harley Knox Boulevard. Those 38 benefits included improved emergency response access to the south end of the 39 Air Reserve Base, as well as to the Joint Powers Authority, as well as Moreno 40 Valley Specific Plan 208 and the northern side of Perris, also, improved access 41 for the Joint Powers Authority General Aviation and March Life Care Projects and 42 also congestion relief at the intersection of Indian Street and Harley Knox 43 Boulevard.

44

An Initial Study has been completed for the project. Based on the Initial Study this project will not result in the potential for a significant impact on the

1 environment, therefore the adoption of a Negative Declaration is recommended. The Public Hearing Notice for the project was posted at City Hall and in the Press 2 Enterprise on January 19th, 2012. Property owners within 300 feet of the project 3 were mailed notification on January 26<sup>th</sup>, 2012. No questions or comments have 4 been received regarding the project. Staff recommends that the Planning 5 Commission approve Resolution No. 2012-02 and thereby recommend that the 6 7 City Council adopt a Negative Declaration and approve PA12-0001. This 8 concludes this Staff Report and I would be happy to answer any questions. 9 Thank you.

10

<u>CHAIR BAKER</u> – Okay do any of the Commissioners have any questions of
 Michael? Go ahead Commissioner Jeff.

<u>COMMISSIONER GIBA</u> – I just have a couple. You had some attached letters;
 am I correct; support letters...

16

13

#### 17 **SENIOR TRANSPORTATION ENGINEER LLOYD** – Yes that's correct

18

19 <u>COMMISSIONER GIBA</u> – Okay, I just wanted to address a couple of questions 20 on those, just so you can comment on them. The support letter from the 21 Department of the Air Force, line 4, stated it may result in significant changes to 22 some anticipated traffic flows analyzed in the Traffic Study. Can you clarify what 23 those might be that the Air Force might have been concerned about? I mean it's 24 not mentioned so I'd like to just know.

25

SENIOR TRANSPORTATION ENGINEER LLOYD – What is referenced there; they are referencing that their development proposals associated with the March JPA and specifically they mention the March Life Care Development or other projects. The Traffic Study actually included those projects; it was a part of the analysis that we conducted, so they have a concern, but it has been addressed within the Traffic Study as it was presented.

32

33 **<u>COMMISSIONER GIBA</u>** – And how was it addressed?

34
 35 SENIOR TRANSPORTATION ENGINEER LLOYD – Previous Traffic Studies
 36 were conducted for those specific projects and we incorporated those results in
 37 terms in the projections of traffic where they would be calling the distribution and
 38 it was included in the analysis; the modeling was done for this Traffic Study.

- 39
- 40 **<u>COMMISSIONER GIBA</u>** And do we have anything telling...

42 <u>SENIOR TRANSPORTATION ENGINEER LLOYD</u> – I have not responded back.
 43 It's an ongoing process with the Air Reserve Base, so yes they will be reminded
 44 that it was included in the Traffic Study.

- 45
- 46 **<u>COMMISSIONER GIBA</u>** It was positive findings

1 **SENIOR TRANSPORTATION ENGINEER LLOYD** – Yes... They are expressing a concern there but they also state if you'll notice, additionally the Base has 2 future plans for a secondary entrance at Iris and Heacock to accommodate 3 4 increased Base traffic from the relocation of some of the Base facilities with the encampment boundary. That was not included in the Traffic Study because it 5 was not made aware to us prior to us initiating the Traffic Study, so you know I 6 7 don't want to speak for the Air Reserve Base in terms of how it was presented 8 but they've expressed a concern with what is happening with the JPA. It has 9 been addressed within the Traffic Study and then they are informing us that there are some plans possibly coming forward of some additional access for the Base 10 that was not incorporated in the Traffic Study, so as those plans become a little 11 12 more concrete and more specific we would then have to re-access what those 13 impacts would be specially at the intersection of Heacock and Iris. 14

- 15 <u>COMMISSIONER GIBA</u> Okay, so we don't know what they are right now as
   16 we're bringing this forward
- 17

18 <u>SENIOR TRANSPORTATION ENGINEER LLOYD</u> – That is correct. That is
 19 correct because no details have been provided to us.
 20

21 <u>COMMISSIONER GIBA</u> – They also wrote on line 6, so you can track with me if 22 you like... refer to the memorandum dated March 21<sup>st</sup> which I looked for and I 23 didn't find, so I couldn't refer to it. The last line of that said the Base requests 24 compliance with the original direction stated in the March memorandum dated 25 21<sup>st</sup> March. What was that? I mean I'm just curious. 26

- 27 SENIOR TRANSPORTATION ENGINEER LLOYD - I think and unfortunately I don't have it right in front of me at this moment, although I can look it up if you 28 29 gave me a moment, but as I recall in the 2006 memorandum they were stating that the clear zone area around the Base has certain land use regulations and 30 31 that those land use regulations need to be observed and so John might be able to answer better than I can, but it is my understanding that the way the zoning 32 33 and the land use plan has been set up within the City as it overlays with their 34 clear zone, that we're meeting those regulations and requirements. Is that 35 accurate John?
- 36

37 <u>PLANNING OFFICIAL TERELL</u> – Yes, we don't... actually that area that they 38 call clear zone we call clear zone and I don't know what their current regulations 39 are but our current regulations are stricter than the Air Force restrictions are. 40 They also own most of the property so I assume they are going to comply with 41 their own regulations.

42

43 <u>COMMISSIONER GIBA</u> – So they are just saying basically hey stick with what
 44 you are doing and don't change any of that part of it.

45

<u>PLANNING OFFICIAL TERELL</u> – Right, yes, the clear zone just so you know...
 basically all you can do in the clear zone is agriculture and maybe store some
 vehicles. That is about it.

3 4

5 **COMMISIONER GIBA** – Yes; it's in case of any unfortunate hazards. Sorry about that but I was reading their letters, so always included in these letters is 6 7 some concerns, but when I was reading through the packet, I didn't see an 8 address to some of these concerns that I was curious about; not necessarily bad 9 or good, but maybe so. I am now looking at the March Joint Powers Authority 10 letter. One item in this would be like the third paragraph down. One item that was discussed was the issue of fragile street improvements and/or alternative 11 12 intersection designs including the potential incorporation of a traffic circle at the 13 intersection of Harley Knox and Heacock. Any update on that. I'm just curious 14 as to what is going on with that. Have you discussed that with them or anything?

15

SENIOR TRANSPORTATION ENGINEER LLOYD – There hasn't been any further dialogue specific to design. We've been trying to get through the planning process to get here tonight, but that specific item raised by the Joint Powers Authority deals with specific design issues and so once the design is actually initiated they would obviously be stake holders and so they would be part of a review process and have the ability to comment.

22

23 <u>COMMISSIONER GIBA</u> – Okay and I'm still learning so I appreciate that. I think 24 I only have one other minor question. If I go back to your presentation and sorry 25 guys; in the review process, you comment that most comments from the various 26 departments focus on design issues. That would be as a result of a future date. 27 Is there no date picked or anything like that; it's after we get through this and 28 you'll...

- 29
- 30 31

### SENIOR TRANSPORTATION ENGINEER LLOYD – Correct

32 <u>COMMISSIONER GIBA</u> – And so that will be published when those design...
 33 and the public will know about that at that time?
 34

- 35 **SENIOR TRANSPORTATION ENGINEER LLOYD** Correct, right.
- 36

37 <u>**COMMISSIONER GIBA**</u> – Absolutely... And one last thing... the City of Perris 38 anticipates the City Council to adopt the plan in the next six months. Is that that 39 still on task if we approve, they'll adopt too or is there any more discussion on 40 that?

- 41
- 42 <u>SENIOR TRANSPORTATION ENGINEER LLOYD</u> I couldn't sit here and
   43 guarantee that, but based on our conversation and the actual memorandum
   44 received from the City, they feel confident that the City will take action to include
   45 it in the Specific Plan, so we'll obviously be waiting and watching very carefully to

see what happens because the roadway extends into the City of Perris, there is
 obviously a need for cooperation.

3

5

7

- 4 **<u>COMMISSIONER GIBA</u>** Absolutely, thank you very much. I appreciate it.
- 6 **SENIOR TRANSPORTATION ENGINEER LLOYD** Thank you
- 8 **CHAIR BAKER** Does anyone else have any questions of Mr. Lloyd here?
- 10 **COMMISSIONER VAN NATTA** Yes. This might be going at it in a very 11 simplistic way but is this going to put any traffic in danger from the flight plan from 12 March field?
- 13
- 14 SENIOR TRANSPORTATION ENGINEER LLOYD - The roadway would be potentially crossing through what they have identified as the clear zone, however 15 16 based upon conversations with the Air Reserve Base, they have not indicated that this would not be allowable and so I don't how else to address it other than 17 there haven't been any concerns to locate the roadway through the clear zone 18 19 and just a point of reference, the I-215 actually also runs through what would be 20 considered a clear zone and obviously the I-215 freeway carries a significantly 21 higher amount of traffic than what we would ever anticipate on Heacock Avenue, 22 so that's just as a point of reference.
- 23

24 <u>**COMMISSIONER VAN NATTA**</u> – So this wouldn't be something that's 25 considered putting somebody in peril if they were driving that road any more than 26 going down the freeway. So clear zone just basically means can't build anything 27 there but you can drive across it.

28

PLANNING OFFICIAL TERELL – Yes it's not intended to be... not that something couldn't crash there but it's meant to keep any kind of permanent occupancy, so I think that's why they are looking at alternatives at the intersections of Harley Knox and Heacock potentially because they don't want people sitting in traffic at a traffic stop if it can be avoided, so I think that is probably why they are looking at alternatives there.

35

### 36 **SENIOR TRANSPORTATION ENGINEER LLOYD** – Correct

37

38 <u>PLANNING OFFICIAL TERELL</u> – That intersection is there regardless of
 39 whether the street goes through though.

40

### 41 **<u>COMMISSIONER VAN NATTA</u>** – Yes, okay, thank you

42

43 <u>CHAIR BAKER</u> – Does anyone else have any more questions? No, okay. I
 44 think what we'll do here is you are basically the applicant in this case right? So
 45 we're going to open the meeting up to Public Testimony on this item. I have no
 46 Speaker Slips on this Item No. 1, so there is no one to speak to this, so I'll close

1 Public Testimony and we'll go into Commissioner's Debate on this item, if there is 2 any debate. Commissioner George...

3

<u>VICE CHAIR SALAS</u> – The only thing that I have to say is that I drive down that
 road every once in a while and I could just never understand why it is not open.
 Everybody drives around it anyway, so it might as well be open and it doesn't
 make any sense, so I'm glad to see this. Okay, so that's my only comment.

- 9 <u>CHAIR BAKER</u> Very good, thank you. Are there any other comments from 10 Commissioners? Okay, if not I move for a motion to accept this Resolution or 11 move it forward.
- 12

8

- 13 **<u>COMMISSIONER VAN NATTA</u>** Move for a motion... that's sounds a little...
- 15 VICE CHAIR SALAS And I'll second that

17 <u>COMMISSIONER VAN NATTA</u> – Okay, let me go ahead and make the motion.
 18 I move that we APPROVE Resolution No. 2010-02 and thereby RECOMMEND
 19 that the City Council:

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- 1. **ADOPT** a Negative Declaration; and,
- APPROVE PA12-0001, a General Plan Amendment to revise the City
   Circulation Plan and a Specific Plan Amendment to revise the Moreno
   Valley Industrial Area Circulation exhibit in Specific Plan 208
- 27 **CHAIR BAKER** Okay do I have a second?
- 28
  29 VICE CHAIR SALAS I'll second
- 30
   31 <u>CHAIR BAKER</u> Okay we've got a motion and a second on this item. All those
   32 in favor?
- 34 Opposed 0

## 36 Motion carries 6 – 0, with one absent (Commissioner Ramirez)

- 38 <u>CHAIR BAKER</u> Thank you very much. The next item we're going to move on
   39 to is...
- 40
- 41 **PLANNING OFFICIAL TERELL** Chair, I'm sorry...
- 42
- 43 <u>CHAIR BAKER</u> Oh yes I'm sorry, I forgot about Staff wrap up. Sorry about 44 that. I didn't mean to cut you out on that John

45

PLANNING OFFICIAL TERELL – That's okay. This item shall be forwarded to
 the City Council for final review and action and Michael is anticipating that will
 probably be in March.

4

7

5 **<u>CHAIR BAKER</u>** – Thank you so much. Sorry I didn't mean to roll over on you there. Okay onto Item No. 2.

8	2.	Case Number:	P10-050	Specific Plan Amendment
9			PA10-0026	General Plan Amendment
10			PA10-0027	Change of Zone
11				

12 Case Planner: Jeff Bradshaw

<u>CHAIR BAKER</u> – This has to do with a Specific Plan Amendment, General Plan
 Amendment and Zone Change. Jeff Bradshaw is going to be our Case Planner
 to speak to this. If you would go on ahead Jeff, thank you.

17

13

18 **ASSOCIATE PLANNER BRADSHAW** – Thank you. Good evening Chair Baker and members of the Planning Commission. Just to provide a little bit of 19 background. The Cactus Corridor Specific Plan is located generally between 20 21 Moreno Beach Boulevard and Theodore. It is bounded by those two streets on 22 the west and the east and Brodiaea on the north and Cactus to the south. It is an area of about 280 acres currently and it is an area located between Moreno 23 Valley Ranch and homes that been developed on one third and half acre sites on 24 25 parcels north of Brodiaea in the Old Moreno portion of the City.

26

27 Going back to the early 90's, an application was submitted to the City by a partnership proposing to develop this area. At that time the City required 28 29 development over a certain size to prepare a Master Plan for that area and the result of that was the Cactus Corridor Specific Plan, the proposed zoning that 30 was specific and unique to that area. They prepared a design manual that 31 required certain types of architecture. They proposed public infrastructure that 32 included the potential for a fire station, public park, trail system and they also 33 proposed a funding mechanism to ensure that the development could take place 34 35 and that was at the time intended to be an assessment district for this Specific Plan area. At the same time that the Specific Plan was adopted by Council, there 36 37 was a Tentative Tract Map also approved. Shortly after the adoption of this plan 38 the partnership dissolved, the economy turned and nothing occurred in this area 39 for some time.

40

As you come forward in time to the mid-2000's, some of the property out there was purchased by a company by the name of Corman Leigh who acquired the map, went through the City process to record the map and built and sold homes in a tract that you see on the south side of Brodiaea just east of Moreno Beach and that was the first development to occur out there in this Specific Plan. They also acquired additional property and as they moved forward to develop the

1 balance of the holdings that they had out there, they found that because of the 2 way or the manner in which this Specific Plan was structured they were having 3 difficulty taking on the Master Plan requirements for infrastructure. The plan was 4 designed to be built in three phases and the idea was that there would be a funding mechanism in place to help cover some of the costs of some of the 5 Master Plan requirements. The Assessment District was never created and with 6 the ownership being fractured, there was no joint effort to construct all these 7 things at the same time. 8 They simply didn't have the finances available to 9 purchase a park site; build out the park site; turn it over to the City and do some 10 of the other things that were required.

11

Since that time, a number of things have changed within the City. Specific Plans are no longer required in these instances and the City now has development impact fees, which they did not at that time, so now as development occurs, the City is able to collect impact fees for parks, fire stations, police, streets and some of the other things that would have been built through the efforts of this partnership.

18

19 The request this evening is from one of the current property owners in this area; CV Communities who would also like to build and develop the property and they 20 21 find the same thing that once you reach a certain threshold, it requires particular 22 things to be built and to take place and through the years there have been a number of property owners that have come to the City and whether it was 10 23 acres of 20 or 30 that they wanted to develop, what they were finding as the next 24 25 person in line to build, they were suddenly responsible for some of these large infrastructure improvements and they simply couldn't take those on their own. 26

27

28 The request through the Specific Plan Amendment and the related land use 29 applications would be to repeal or do away with the Specific Plan and allow development to occur in this area the same way it would in any other part of the 30 31 City knowing that we can through impact fees account for those improvements, so as this 280 acres develops over time we would be able to collect on a per lot 32 33 or per unit basis the fees required to ensure that the park could be... parks that could be purchased and developed; that a fire station could be built, funded and 34 35 maintained and all the things that are currently required in this Specific Plan. So 36 that's just a little bit of the history.

37

38 If this Specific Plan were to be repealed in terms of land use, going back to the 39 2006 General Plan Update, that effort by the City actually established land use for all the parcels within the Specific Plan. That land use effort is consistent with 40 41 the Specific Plan zoning and so Staff has had a chance to review what would happen if this Specific Plan goes away, we are confident that the steps are 42 available to fund the infrastructure and we are also confident that the land use 43 44 before and after would remain the same. So if you were a property owner in this area and you owned a piece of property that allowed you to develop 5 units per 45 acre before and after this effort if this Specific Plan is repealed, your 46

1 development rights would remain the same, so we would propose lifting or 2 removing the Specific Plan and replacing it with comparable City zoning in each

- 3 of those situations.
- 4

5 We've provided four exhibits in the Staff Report. Two show the existing General 6 Plan and existing zoning conditions and the other two shows what would happen 7 if this Specific Plan is repealed. There are three instances where we are 8 recommending a slight change or deviation from what exists. One example is 9 the park site. The Specific Plan when it was prepared had a particular site; at 10 least the developers had a site in mind for where a school could go and a couple of years after the Specific Plan was adopted, the School District looked in the 11 12 area and they purchased a property and they purchased it across the street, so 13 what we are suggesting here is an exercise to place the School zoning designation on the school site and allow the property owner that owns the 10 14 15 acres across the street to have the R15 designation so they can develop their 16 site. The park site that I mentioned as part of the Specific Plan, that is located at the southwest corner of Brodiaea and Redlands, which is a 10 acre site. The 17 City is interested in purchasing that and working with the property owner to see if 18 19 that can take place.

20

If you've been out to the site or looked at the aerial photograph, there is a drainage swale that cuts through that property and leaves about a half acre of park site on the wrong side of the channel and the other change that we are proposing is to leave the park designation over the majority of the site; the area the City is interested in and change the land use from park to R10 so that the property owner if he ends up with that half acre, has some development rights to go with that.

28

29 The last change is a zoning consistency exercise. There is some property at the far east end of the Specific Plan that under the Specific Plan was a 30 31 Neighborhood Commercial Zone. When the General Plan Update occurred in 32 2006, that was identified as a R5 Zone and so we're taking advantage of this 33 process to go ahead and rezone that so it is consistent with the underlying 34 General Plan. Staff had a chance to review the changes and determined that the 35 changes are... any potential impacts from this exercise would be considered less than significant and are recommending that the Planning Commission recognize 36 this process as being exempt from CEQA. 37

38

39 As far as the noticing goes, we met all of the Municipal Code noticing 40 requirements. We posted the site. Notices were mailed out to all property 41 owners within the Cactus Corridor as well as those that live within 300 feet of that Specific Plan area. As of this evening I received about 15 phone calls; all from 42 people that just wanted to better understand what was happening. 43 The 44 paragraph in the notice is not enough to explain what this process is about and ended all those phone calls with them I think at least understanding what was 45 happening with no oppositions stated to the changes that are proposed. 46

1 With that Staff would recommend the Planning Commission adopt the Resolution attached to the Staff Report, recommending City Council approve all of these 2 3 changes. That concludes my report and I'd be happy to answer any questions 4 you might have.

5 6

7

#### CHAIR BAKER – Who wants to go first?

8 **PLANNING OFFICIAL TERELL** – Before we ask questions, there's just a couple 9 of updates since we sent the report out. The park site has actually been 10 approved by the City Council for purchase and it is in escrow now and that little sliver; the Park's Department doesn't want to buy it, so we can't leave a private 11 12 piece of property with public zoning on it, so it is just recognizing that site will 13 never be part of a park site. It needs to have an appropriate zoning classification 14 and Jeff mentioned 15 people called but we sent out about 600 notices, so that's 15 why we got a fair number of calls.

16

18

17 CHAIR BAKER – Okay, thank you

19 **PLANNING OFFICIAL TERELL** – One more thing... this particular Specific Plan 20 is very unusual. It is different than any other Specific Plan in town because it 21 was submitted because the City at the time required it to be submitted. It's not 22 Moreno Valley Ranch or Sunnymead Ranch or any of the others where a Master 23 Developer has submitted a project that they intend to build. Here it was a 24 collection; it was always a collection of property owners that were loosely tied 25 together and when the economy went sour in the 90's, fell apart, so it has a lot of requirements that relate to a time as Jeff mentioned, when there was no 26 Municipal Code Development Standards, there was no Development Impact Fee 27 28 system, there were no City street improvements standards; there were no City standards at that time, so they really had to place a lot of these on this project. 29

30

There was also some level of controversy on what's going to happen between 31 Moreno Valley Ranch and Old Moreno. With the 2006 General Plan Update that 32 33 issue has been resolved, so what were left with is a very awkward Specific Plan 34 that is no longer needed by the City and is a great impediment to the current 35 property owners in that area, so it is not of benefit to anybody at this point in time and that's why City Staff has been working with one of the property owners who 36 37 came forward and is willing to pay for the effort to get rid of this Specific Plan and 38 revert to the Citywide standards that have developed since 1992.

- 39
- 40 CHAIR BAKER – Thank you. Who wants to go first?
- 41

42 **COMMISSIONER VAN NATTA** – Okay, so basically by looking at the chart here it doesn't look like any zoning really is going to be changing; substantially 43 44 everything is going to be pretty much the same zoning, it is just taking off this overlay that makes it difficult for anybody who wants to develop any of that land. 45 Is that kind of what you are telling us here? 46

- ASSOCIATE PLANNER BRADSHAW That's correct except for the three
   examples that I described where we would recommend a minor change. By in
   large it is the same before and after
- 4
- 5 <u>**COMMISSIONER VAN NATTA**</u> Yes that is minor, how much of this land is 6 owned by CV Communities?
- 8 **ASSOCIATE PLANNER BRADSHAW** I'm not sure exactly. They are here this 9 evening and they could probably better speak to that.
- 10 11

7

### COMMISSIONER VAN NATTA – Yes

- PLANNING OFFICIAL TERELL And they'll come up when they open the
   Public Hearing they could answer that, but I suspect it is somewhere around 15
   percent.
- 16 17 **<u>COMMISSIONER VAN NATTA</u>** – Okay, so they're not like the major land holder
- 18 out there that is asking for this.
- 19
- PLANNING OFFICIAL TERELL No they're the biggest land owner but yes
   there is no major land owner.
- 23 **<u>COMMISSIONER VAN NATTA</u>** So this would also make it easier for the other 24 land owners maybe who want to subdivide a 10 acre parcel that they have and 25 build on it or something like that without going through everything that was 26 required under the Specific Plan.
- 27
- 28 **ASSOCIATE PLANNER BRADSHAW** – That's correct and just as an example, 29 we had an applicant come forward and speak to us three or four years ago and they bought and again this is the group I talked about that purchased kind of on 30 the far east end. What they found is they looked at this Specific Plan and they 31 happened to be in Phase 3 of this Plan and as we reviewed the text, the Specific 32 Plan was very generous saying you can develop out of sequence with the caveat 33 that you went ahead and took on everything required for Phases 1 and 2 and 3 34 35 and then you were free to go ahead and develop in Phase 3 and they just ended up walking away from the project. 36
- 37
- 38 <u>COMMISSIONER VAN NATTA</u> Well that's crazy yes, so okay that pretty much
   39 answered the questions I had. Thank you.
- 40
- 41 **<u>CHAIR BAKER</u>** Okay Commissioner Tom
- 42
- 2
- 43 **<u>COMMISSIONER OWINGS</u>** No questions
- 44

<u>CHAIR BAKER</u> – George and Commissioner Crothers you're okay? So I think
 what I'd like to do at this time if we could have the Applicant please come
 forward. Just state your name and your address and who you're with okay.

4

5 <u>APPLICANT WHITE</u> – I'm Mike White with CV Communities and we are the 6 Applicant. I put my address on the card. It is in Santa Ana but I always... it's on 7 Red Hill Avenue but the exact address, I apologize, but we are excited and 8 support the City Staff in their Staff Report. We own 42 acres primarily... well it's 9 on either of the Quincy Channel; the future Quincy Channel.

10

12

11 VICE CHAIR SALAS - How many acres

APPLICANT WHITE – 42... If you have any other questions, I'm here, otherwise
 thank you for your time.

15

21

16 <u>CHAIR BAKER</u> – Okay are there any questions of the Applicant? I don't think 17 we have any. Thank you very much and the next Speaker I have here to speak 18 on this item would be Deanna Reader. Would she please come forward? Oh I'm 19 sorry I screwed that up. Well just go on ahead and do this since I called you up 20 here out of sequence. Sorry Diana.

22 SPEAKER READER - It's okay. I actually have another meeting I'm supposed to be at 7 anyway, so thank you even though I didn't ask you to. I looked at the 23 existing General Plan and the proposed zoning between the two and it looks 24 25 identical except for the half acre from the school, except the existing General Plan says School and the proposed zoning; that same 10 acres says Public 26 27 instead of School and I know he just said the School owns it, so 10 acres seems really small for a school. Is this going to be a park or a school is what I was 28 29 wondering and I really didn't... as long as all the zone acreage is the same, I 30 really don't have a problem with taking the Specific Plan off of it. l was 31 wondering about the school there?

- 32
- 33 <u>CHAIR BAKER</u> Okay, can we speak to this?
   34

35 PLANNING OFFICIAL TERELL – Sure, sure... The school site... we don't have 36 a school zone in our Zoning Code, so that's why Public allows schools and the 37 School District is I guess I wouldn't say conflictive, but sometimes they say they 38 are going forward that says an Elementary School and sometimes they say 39 they're not, but it has always been intended to be a school site; an Elementary 40 School site.

41

42 **SPEAKER READER** – Okay, alright, thank you. That's answers my question.

43
44 <u>CHAIR BAKER</u> – Okay, so I'm official here with our... let me open meeting up to
45 Public Testimony which we just had and then I'll close it. I guess that gives me
46 legal right. I'm a little out of sequence there.

- DEPUTY CITY ATTORNEY BRYANT Well do you have any other Speaker
   Slips?
- 4 **<u>CHAIR BAKER</u>** I do not. I do not. What happened here is I got Mr. White up 5 here and then went into Ms. Reader unfortunately.
- 7 **<u>DEPUTY CITY ATTORNEY BRYANT</u>** As long as there is nobody else that 8 wants to speak...
- 9

13

6

- 10 **CHAIR BAKER** Is there anyone else that wants to speak to this item? I've got 11 one other gentleman. Did you have a Speaker Slip? Come on up; we'll listen to 12 you. Thank you so much.
- 14 **SPEAKER GOELER** – My name is... How you doing Council? My name is Tim 15 Goeler. I live on Brodiaea Avenue on the dirt section in between Moreno Beach 16 and Theodore. My concern with the change is that you are going to let different people develop at different times, which would...when I was talking with Mr. 17 Bradshaw my concern with that is they are going to be only responsible for doing 18 19 their sidewalk and their paving in little sections and little chunks. If they have 10 acres, then they are only going to do the frontage of where they have to do it. 20 21 With the Specific Plan that's already in place, I believe that one owner would 22 have to do it and they would have to do the whole road. My concern with that 23 road is that I live on that dirt road and I'm actually in motor remediation business 24 and we took lab samples from that dirt in that area and it is like totally 25 carcinogenic with silt. There are heavy metals in it. There is slag that is way down the road and my concern is I just don't want to breathe that stuff anymore 26 27 and if people are going to be doing construction in little portions, it is just going to be an ongoing problem with more dust stirred up; having little chunks of 28 29 pavement here and there; not having the whole thing completed, so I'd like to get 30 some clarification on that before it goes forward.
- 31 32

### <u>CHAIR BAKER –</u> Okay

- 33
   34 <u>COMMISSIONER OWINGS</u> Not in the subject matter of clarification, but just a
   35 question back to you. It seems as though one builder would not be willing to
   36 finance the complete on site improvements. Is that basically...
- 37
- 38 <u>PLANNING OFFICIAL TERELL</u> Well it would be incremental but when 39 somebody develops, they have to develop their frontage plus they have to pave 40 access to the nearest paved access, so there will be off-site improvements. The 41 first person that goes in... like if they go in the middle, they'll have to create a 42 road from their development to the nearest paved road, so a large part of it would 43 happen at one time.
- 44
- 45 <u>**COMMISSIONER OWINGS**</u> And under the Specific Plan, the likelihood that it 46 economically that it would pan out for someone to do it would be less likely, so I

1 guess what I'm asking is would the gentleman's concern be more apt to be 2 resolved by removing the Specific Plan as by leaving it?

3

4 **PLANNING OFFICIAL TERELL** – I think the property is more likely to be developed sooner and therefore remove the existing poor soil and the issues 5 related to that because when they come in and they do soil samples, if they have 6 7 to remove the soil, they'll do that at that time. We also; obviously there is some 8 dust; there is always dust related to construction but there are standards in place 9 with our Public Works Department that require that the dust be kept to a 10 minimum primarily for air quality reasons. Obviously if there is anything that is toxic there, those standards would be higher, so this makes the likelihood of the 11 12 property be developed sooner more likely and we're not sure is someone is going 13 to develop 10 acres at a time. We obviously have somebody here that wants to 14 develop 40 acres and we have other properties that are probably 20 acres and 15 more, so we've got a series of property owners. Those could change and 16 someone could decide to buy more property because it would be more feasible because why build half of a road to get to the nearest paved intersection if you 17 can build all of the road and have twice as much development potential. 18 19

20 **COMMISSIONER OWINGS** – And if this Specific Plan were left in place, the 21 method of financing those improvements would be the current City standards as 22 opposed to the... I suppose they had a funding process in place. Would the 23 Specific Plan allow the builders to put the infrastructure in?

24

25 **PLANNING OFFICIAL TERELL** – Yes the same... an individual builder could create a smaller financing district that just affected them, so that would still be 26 27 available. They could also build additional road and have a reimbursement agreement. There are other things to make it more... 28

29

31

30 **COMMISSIONER OWINGS** – For future developers

32 **PLANNING OFFICIAL TERELL** – Correct... There are things they could do to 33 make it financially possible for them to create a better situation for themselves as 34 well as everyone else. I think a builder of homes would prefer to have a full 35 street leading to their subdivision rather than half a street

- 37 **<u>COMMISSIONER OWINGS</u>** – Correct, thank you
- 36
- 38 39 **<u>CHAIR BAKER</u>** – Thank you...anyone else?
- 40

**COMMISSIONER VAN NATTA** – So let me just follow-up that question and 41 make sure that I understand it in clear English. So you can't have little bits and 42 pieces of pavement here and there. If somebody does put in some sort of 43 44 development; whether they are small, large or whatever, they do have to pave 45 from where their development is to the next paved street?

46

#### 1 PLANNING OFFICIAL TERELL – Correct

3 **<u>COMMISSIONER VAN NATTA</u>** – And that would address the issue that you were questioning?

5

2

6 **SPEAKER GOELER** – I mean it depends where they are going to be developing 7 because if it was on the east end of Brodiaea and Redlands Boulevard, then the 8 closest pavement would be then Redlands Boulevard and it still leaves my whole 9 street dirt in that case or if someone was in the middle then maybe they'd pave 10 towards Redlands Boulevard and not towards Wilmot; the adjacent street, so I mean I guess where they build would determine what would have to be paved, 11 12 but I would like to see it all done or leave it the way it is. There are also flooding 13 problems in that area with that road and everything else like that. It is a low-lying 14 area and it's a constant battle. In the summer it is dust and in the winter it is mud 15 and we're still going to be stuck in the same place and dealing with a bunch of 16 construction at different times and that type of thing, because I looked at some of the parcel maps in there and I don't know how many owners in the 280 acres 17 there are, but there are many owners and not one person owns it all or a majority 18 19 of it, unless CV Communities is going to plan to buy a lot of those owners out, 20 then there is no way that it would all be able to be done at one time. It would be 21 a nightmare.

22

23 PLANNING OFFICIAL TERELL - Again, I understand your concern but I don't think even under the Specific Plan we could force anybody to build an entire 24 25 street if it doesn't benefit their project, so it would be as much as necessary to meet standard and that won't change. I don't think we would go in there and 26 27 require an existing property owner that had 10 acres to build a whole street. This 28 is not really removing that requirement, it is removing the requirement to meet a 29 County standard for building streets, which I don't think is desirable because that is a standard that is probably about 30 years old and the biggest impediments 30 31 are the thought that a single 10 acre developer could build a 10 acre park and give it to the City for free. Those are the kind of improvements that make it 32 33 feasible, not the individual street improvements. Most likely I think what you are 34 talking about is probably working with the City when we have more funding to do 35 something similar to what was done in other streets in Old Moreno where the City 36 came in a cooperative effort and build some streets out there.

37

38 SPEAKER GOEHER – I couldn't believe how that situation went down because
 39 you guys repaved all the roads that were already paved and still left the ones that
 40 were dirt, but politics.

41

42 <u>PLANNING OFFICIAL TERELL</u> – Yes, well there is a program; it's not currently 43 funded but I am sure it will be in the future, where those streets applied to be part 44 of that program and it's where the City funded improvements and they've done it 45 on streets that didn't have any pavement at all either. Why certain streets were 46 included and others were not I can't say, but it may be because the application was only done by certain people. That's something I think you'd want to look into
 because that's more likely going to resolve your issue.

3

4 <u>COMMISSIONER OWINGS</u> – If I think I would like to just see if I could make this statement. You change it if you think it's inaccurate. It seems to me that to get 5 what you want done; removing the Specific Plan might accelerate that. The other 6 7 thing is that there are other folks on your street and your petition to the City 8 Council; the property owners might bring your plight to the attention of the City Council and it might be appropriate at this point, so get a petition and get the 9 10 property owners on the street to ask that the situation be fixed and bring it to the attention of the City Council. 11

12

13 <u>SPEAKER GOELER</u> - Absolutely ... Yes, we've applied with the engineering 14 and everywhere else for the road maintenance and all that, but yes we've been 15 shut down a dozen times.

16

COMMISSIONER OWINGS – Right, but you know the elected folks count votes,
 so get the petition in front of the City Council and you'll probably get some
 attention.

- 21 SPEAKER GOELER Absolutely. We're all kind of blue collar so everybody
   22 works late...
- 23

25

24 **<u>COMMISSIONER GIBA</u>** – John, if I can...

26 **VICE CHAIR SALAS** – You'll get some attention. When I first moved here my 27 road was dirt also and what you have to go through to get it... first you've got it 28 up to City standards and they have to accept it, so no matter what, you'll have to 29 pay for it out of like a bond assessment district or something like that, so 30 unfortunately we can't ask a developer to improve other people's property. I 31 understand your concerns, but...

32

33 **SPEAKER GOELER** – Well right now with the Specific Plan if someone was to 34 develop according to Mr. Bradshaw when I talked to him last Thursday, he was 35 saying that if someone was to build on a 10 acre parcel, they would be 36 responsible for building the park; the fire station and paving the roads.

37

38 <u>VICE CHAIR SALAS</u> – Well let me tell you something, you've got 10 acres and
 39 he had to do all that, he won't have it for long. The numbers just don't work

- 40
- 41 **<u>COMMISSIONER OWINGS</u>** Yes in today's market
- 42

43 <u>COMMISSIONER CROTHERS</u> – John can I ask CV Communities a question? Is
 44 that possible?

45

46 **<u>CHAIR BAKER</u>** – Yes please come forward

1 **PLANNING OFFICIAL TERELL** – Chair Baker will reopen the Public Hearing.

2 3 4

CHAIR BAKER – Okay, we're open

5 **<u>COMMISSIONER CROTHERS</u>** – My question is towards to his concern and I appreciate him coming out and expressing those concerns. Are you planning to develop those 42 acres? Did you say that you are planning to develop those 8 acres?

9

10 **APPLICANT WHITE** – Well we purchased the property. We will go through the process of bringing another application back to this body for approval that will 11 12 include the land development application that we want to do, but to his point, we 13 will improve our frontage of our property. We'll make sure that we've addressed 14 drainage, roadway conditions, half-width street improvements and things like that 15 that make our project feasible in itself without impacting other properties. Just to 16 note, we front Brodiaea all the way to Wilmot and then down Wilmot halfway down in front of the school, so I kind of envision our application will kind of 17 complete that circulation element for that area and that will kind of complete the 18 19 kind of missing link between Wilmot and the Quincy Channel kind of right there 20 and kind of clean that up, so we'll address that when we come back.

21

25

22 <u>COMMISSIONER CROTHERS</u> – So you're plans are in fact that when you do 23 get ready to develop this property, that street to Wilmot will be paved as part of 24 your development or that is what your are planning?

26 **<u>APPLICANT WHITE</u>** – Oh yes, half-width...

27
 28 <u>COMMISSIONER CROTHERS</u> – So I think that might take care of his concern
 29 that it be all done at one time with one project, which would be potentially your
 30 project.

31

<u>APPLICANT WHITE</u> – Right... it's a small enough project where a builder or
 ourselves or somebody else would come in and build it at one time. It's just not
 feasible to build it in phases.

- 35
- 36 **<u>COMMISSIONER CROTHERS</u>** Okay, thank you, I appreciate that.
- 37

38 <u>PLANNING OFFICIAL TERELL</u> – Yes just to clarify though, Brodiaea is about 39 three miles long in this area, so they'll be taking care of maybe a quarter mile or 40 so, so it will be still incremental and Jeff reminds me that we even under the 41 Specific Plan would be incremental; maybe a little less incremental, but still 42 incremental.

- 43
- 44 **<u>COMMISSIONER CROTHERS</u>** Okay
- 45

COMMISSIONER GIBA - John can I ask you one... actually back to his original 1 question and I don't know if it will apply to you so... his real original question that 2 caught my ear was his concern with the paving for contamination purposes and 3 4 we went off on all the paving and stuff, so his first question was the soil was apparently contaminated. Now I am not going to go for that but could you explain 5 to me what would be the procedure if you are going to put a road down and you 6 7 come up with soil contamination and what is entailed in the soil study and what 8 could be the eventual... I mean what would happen... what is the entire 9 procedure for something like that if somebody was putting that road in and found 10 that contamination?

11

12 PLANNING OFFICIAL TERELL - I don't know the exact process, but the 13 general process is they would test the soil. That would be reviewed in 14 conjunction with the street improvement plans and the grading plan by our Land 15 Development Division here in the City and they would determine what if anything 16 was necessary and it depends on what contaminants... I'll shift off the streets and go to something I know more about, an old gas station that gets torn down 17 and gets replaced with something else. If the gas tanks leaked there was 18 19 contaminated soil there and that kind of contaminated soil needs to be removed 20 and taken to a toxic waste dump and that's what occurs in that case. In this case 21 I'm not sure that it would be the same procedure but the studies would be same 22 and the review would be the same to determine the appropriate action and just 23 covering it over is not the appropriate action. If it is found to be something that 24 needs to be removed, then it needs to be removed in a safe manner.

25

<u>COMMISSIONER GIBA</u> – That'll happen in the process of building that road or
 that section of road if they were to find that, they would then take that concern
 and move forward in the proper manner that they normally would.

29

33

- 30 **PLANNING OFFICIAL TERELL** That's correct
- 32 **<u>COMMISSIONER GIBA</u>** Does that help you? Did that help you a little bit?

APPLICANT WHITE – Just a follow-up to that... We would do that process when we purchase the land and make sure we are comfortable with the soil conditions and I'm not really sure where the gentleman was referring to, but it sounds like maybe more ambient air, but we would comply with whatever standards we had to make it good.

39

## 40 **<u>COMMISSIONER CROTHERS</u>** – Thank you

41

42 <u>CHAIR BAKER</u> – Thank you. Before we close testimony on this item, is there
 43 anyone else in the building that would like to comment on Item No. 2? Is that it?
 44 Could you speak into that microphone there please? Would you please state
 45 your name and address out in that part of the town.

46

SPEAKER PETERS – David H. Peters and my address is 28371 Brodiaea Avenue. I am on the paved portion where Corman Leigh stopped. My concern is basically the type of building that is going to occur. Is it going to be a warehouse? Is that my understanding?

- 5
   6 PLANNING OFFICIAL TERELL No, the kind of development would be exactly
   7 what it is zoned for now which along Brodiaea will be single-family homes, except
   8 for the park site.
- 10 **SPEAKER PETERS** Okay, that's all I had. I didn't understand the zoning or 11 anything so thank you very much.
- 12

9

- 13 <u>VICE CHAIR SALAS</u> You didn't want a warehouse?
   14
- 15 <u>SPEAKER PETERS</u> No I didn't want a warehouse. Sketcher's was a good
   16 idea and I'm glad it's out further, but not at the end of my street. Thank you.
- 17
- 18 <u>CHAIR BAKER</u> Okay, the next gentleman that wants to speak... please come
   19 forward and state your name and address for the record.
   20
- 21 SPEAKER FISHER – My name is Louis Fisher. I live at 14235 Hotchkiss Street, 22 which is on the north side of Brodiaea on the east side of Redlands. Over the 23 past four years flooding has been a major issue in my neighborhood and 24 especially my house where I have to sandbag it because the flood control on the 25 west side of Redlands you have the channel and it is taken care of and you have big street drainage out there where I have to go in and clean out so my property 26 27 won't flood. The channel on the east side of Redlands has never been taken 28 care of as long as I've been living there and that was back in '95. Granted I have 29 called the City; the County and they are all pushing it all off on each other and then they say no, no it is the property owners, which I never figured out who it 30 was. My concern is if you build up that other side on the west side of Redlands 31 Avenue, and make it with a park and the fire department, it is going to affect the 32 33 flood control on the east side. That's my main concern.
- 34

35 PLANNING OFFICIAL TERELL – Yes and that would have to be taken into 36 consideration with any development. They have to accept all the drainage from 37 off-site, so they can't block the drainage, they have to accept any drainage that 38 comes from off-site and convey it across their property, whether it is the park site 39 or a residential tract, so development in that area; either the situation will stay the 38 same or it will get better.

41

43

42 **<u>CHAIR BAKER</u>** – So it's kind of a win, win deal if we pass this

44 <u>PLANNING OFFICIAL TERELL</u> – It makes the potential for improvements in this
 45 area much, much better to come sooner rather than later. Right now nothing is
 46 really likely to happen until this impediment is removed.

CHAIR BAKER – Okay, thank you. Is that the final speaker on this item? If so I am going to close Public Testimony now and open this to Commissioner's Debate. Does anyone have anything else they want to add to this situation? Okay if not, it looks we are in a position to move for a motion and a second for this Resolution. May I have a motion on this?

- 6 7
- 7 <u>VICE CHAIR SALAS</u> Okay I'll motion to approve it.
   8
- 9 **<u>CHAIR BAKER</u>** Do you want to read the...
- 10
- CHAIR BARER DO you want to read the...
- 11 <u>VICE CHAIR SALAS</u> It's a long one though. I move to APPROVE Resolution
   12 No. 2012-03 and thereby RECOMMEND that the City Council:
   13
- RECOGNIZE that applications P10-050, PA10-0026 and PA10-0027 will not have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines, Section 15305, Minor Alternations in Land Use Limitations as a Class 5 Categorical Exemption; and,
- APPROVE Specific Plan Amendment P10-050 and related General Plan
   Amendment PA10-0026 and the Change of Zone PA10-0027, which will
   repeal the Cactus Corridor Specific Plan; make minor General Plan land use
   Changes and establish City zoning designations for the area.
- 25 **<u>COMMISSIONER VAN NATTA</u>** Second it
- 27 <u>CHAIR BAKER</u> We have a motion and a second on this Resolution. All in
   28 favor?
- 29

24

26

- 30 Opposed 0 31
- 32 Motion carries 6 0, with one absent (Commissioner Ramirez)
- 33
  34 <u>CHAIR BAKER</u> We'll have staff wrap up at this time

34 35

- 36 <u>PLANNING OFFICIAL TERELL</u> Yes this item shall be forwarded to the City
   37 Council for final review and action and that will probably be in March or April also.
   38
- 39 **CHAIR BAKER** Okay, thank you very much
- 40 41
- 42 OTHER BUSINESS
- 43
- 44 <u>**CHAIR BAKER**</u> Okay, other business at this time. Is there other business we 45 need to talk about?

46

1 STAFF COMMENTS

2 3

4

CHAIR BAKER – The next thing is Staff Comments.

5 **PLANNING OFFICIAL TERELL** – Yes your next meeting is in March, so I believe that is the 8<sup>th</sup> of March. We will have items for that assuming that they 6 7 don't flake out at the last moment, but we do have a couple of projects that we 8 are trying to finalize for that meeting. If anything changes I will let you know. Then your next meeting after that is April 3rd and that is your Joint Study Session 9 10 with the City Council and as we talked about it at a prior meeting, there are a couple of items that have to be on that Agenda and that relates to the Climate 11 12 Action Strategy and to some Reach Codes that got a grant from Edison to create, 13 so those will be there for you and the City Council to review and discuss and to 14 provide direction to Staff. Typically on a Joint Study Session there are a couple 15 of other items and I know Commissioner Owings had a very long list and I wrote 16 it all down and I can't for the life of me find it, so I apologize for that, so I wanted 17 to kind of open that up again for...

- 18
   19 COMMISSIONER OWINGS And you expect me to remember it?
- 20 21 **PLANNING OFFICIAL TERELL** – Yes I do
- 23 VICE CHAIR SALAS You wrote it...

PLANNING OFFICIAL TERELL – For discussion...and typically there are three
 or four items on an Agenda just to keep the discussion focused.

28 <u>CHAIR BAKER</u> – And I assured the Mayor we're going to keep to three or four items too. I'm not trying to be hard-balling this, but we're only going to get an hour anyhow.

32 **<u>VICE CHAIR SALAS</u>** – We won't even get a whole hour really

33
 34 <u>CHAIR BAKER</u> – We can pick three major items and then go at it, besides the
 35 green stuff I think it will be great.

36

22

24

PLANNING OFFICIAL TERELL – So I just wanted to open that up for further
 discussion and maybe a consensus on the part of the Commission so that I can
 work with the Department Head and the City Manager on finalizing that Agenda.
 They get to decide the final list, but we really do want your input.

- 41
- 42 <u>CHAIR BAKER</u> Let's see if we can have that at the next meeting. Is that
   43 agreed with everybody?
   44
- 45 **PLANNING OFFICIAL TERELL** March 9<sup>th</sup>... March 8<sup>th</sup>; I'm sorry
- 46

- 1 **CHAIR BAKER** And that will give you time to work on that
- 3 <u>VICE CHAIR SALAS</u> So you want three topics... I mean three main things you
   4 want us to discuss?
- PLANNING OFFICIAL TERELL I'd like you to come to some consensus on no
   more than three.
- 9 <u>VICE CHAIR SALAS</u> And being from past experience, they are only going to 10 give us about 45 minutes or an hour.
- 11

8

2

5

<u>COMMISSIONER OWINGS</u> – Well you know we should say that past experience
 really wasn't good enough and demand a little more time from them. This is
 important issues for this City and it deserves more time

15 16

17

23

31

33

VICE CHAIR SALAS – Evidently...

18 <u>CHAIR BAKER</u> – Their office is right next door to the Mayor, so...
 19

20 <u>**COMMISSIONER OWINGS**</u> – And the truth of the matter is you know I would 21 take that up with him because you know it is not... that's what we've lacked in 22 this place is a little bit of dialogue

- 24 <u>VICE CHAIR SALAS</u> I agree with that, but I mean like I said, from past
   25 experiences, they'll give us about; John 45 minutes, right?
   26
- PLANNING OFFICIAL TERELL Well right now, there are no other items scheduled. It is really your night, so I think it's really more like an hour and a half to two hours, but again if you have the two items that I mentioned that are kind of mandatory and three more items makes 5 items; that's quite a few items.
- 32 VICE CHAIR SALAS Yes it is, yes to get into detail

34 <u>COMMISSIONER OWINGS</u> – Maybe if we did a little homework on the five items
 35 we get through them quickly

36 37 **PI** 

37 <u>PLANNING OFFICIAL TERELL</u> – Yes
 38

- 39 <u>VICE CHAIR SALAS</u> So what we're saying is at the next meeting we to come
   40 up with the five topics that we want to discuss.
- 41
- 42 <u>PLANNING OFFICIAL TERELL</u> It will be your last chance; yes
   43
- 44 **VICE CHAIR SALAS** It will be my last chance

45

<u>PLANNING OFFICIAL TERELL</u> – So obviously if you had any items to throw out
 tonight, that's fine or just go ahead and put them all together and send them in an
 email to Chair Baker and copy me, that's fine too

4

5 **COMMISSIONER OWINGS** – Well you know I think that one of the things that was on my list you know was kind of highlighted by the meeting they had 6 7 concerning their new plan for job development in the City, so I suspect that is 8 going to be one of the major topics in terms of the implementation of the 9 Council's growth initiative and as it relates to the east end of City, which seems 10 to be... If we're going to have controversial topics over the next three or four years, that seems to be where they are going to be. So I guess everyone on the 11 12 Commission is somewhat familiar with that. I was at the meeting. I think Meli 13 you were there, right and I know the Chairman was, so that's seems to be one 14 topic and you know I would suspect there needs to be some consistency between the Council directive and the Specific Plan. I guess one other possible 15 16 topic would be the Specific Plan was updated in 2006 and I know it is a difficult situation and probably not even practical to talk about an updated Specific Plan 17 but you know how does the Specific Plan relate to this new plan that the Council 18 19 unveiled in the meeting and what future problems or let's say opportunities that 20 need unresolved opportunities are we going to be faced with as a result of their 21 plan and the 2006 Specific Plan. Am I on target here?

22

PLANNING OFFICIAL TERELL – Well I assume you are referring to the World
 Logistics Center which is really one part of the Council adopted Economic
 Development Plan.

- 26
   27 <u>COMMISSIONER OWINGS</u> Right
- 28

29 <u>PLANNING OFFICIAL TERELL</u> – And the other major one being the medical
 30 corridor.
 31

32 <u>COMMISSIONER OWINGS</u> – Well I think the medical corridor is just equally as 33 important. In fact it is obviously more attractive I think and so do we have some 34 consensus that the medical corridor would be a large portion of that discussion. 35 What is the Council's vision for that and what steps can they take to give 36 consistent guidelines to the Planning Commission in that area.

37

38 <u>CHAIR BAKER</u> – Is there anything else? So we'll move into Planning
 39 Commissioner Comments

40

## 41 PLANNING COMMISSIONER COMMENTS

42

43 <u>CHAIR BAKER</u> – Does anyone else have a comment before we adjourn?
 44

45 **<u>COMMISSIONER OWINGS</u>** – Well I'm still trying to decide if I'll be here on the 8<sup>th</sup>

46 since it is my birthday.

1 2 3	<b><u>CHAIR BAKER</u></b> – Well we'll have to have a birthday party here then. Okay does anyone else have any more comments, if not then I move to					
4 5	ADJOURNMENT					
6	VICE CHAIR SALAS – I'll move to adjourn					
7 8	CHAIR BAKER – A second					
9 10	COMMISSIONER CROTHERS - Second					
11 12	CHAIR BAKER – Okay, all in favor? Good night Moreno Valley.					
13 14						
15 16						
17 18						
19 20	John C. Terell Planning Official	Date				
21 22	Approved					
23						
24 25		-				
26 27	Ray L. Baker Chair	Date				

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# PLANNING COMMISSION STAFF REPORT

Case:	PA12-0007 Tentative Parcel Map 36449 PA11-0041 Plot Plan
Date:	May 10, 2012
Applicants:	Winchester Associates Inc. Boos Development Group Inc.
Representatives:	David Slawson David Morse
Location:	SWC Perris Boulevard & John F. Kennedy Drive
Proposal:	A Tentative Parcel Map (36449) to subdivide 6.84 acres into 5 lots for commercial purposes and a Plot Plan to develop one parcel with a retail store. The retail store will be on one acre and be approximately 8,320 square feet. The zoning is Neighborhood Commercial (NC).
Recommendation:	Approval

#### SUMMARY

The applicants are proposing the subdivision of 6.85 acres into 5 commercial lots within the Neighborhood Commercial zone and developing one, 1 acre parcel with a retail store.

Planning Commission Staff Report Page 2

#### **PROJECT DESCRIPTION**

#### Project

#### Tentative Parcel Map 36449 (PA12-0007)

The applicant has submitted a parcel map for the subdivision of approximately 6.85 acres into five (5) individual commercial parcels ranging in size from .59 acres to 2.70 acres.

Proposed parcel size is consistent with the requirements of Section 9.04.040 of Title 9 of the Moreno Valley Municipal Code which allows parcels to be a minimum of 10,000 square feet in the Neighborhood Commercial zone. All parcels will include street frontage, however, will also include cross easements or shared access where applicable.

The proposed design of the map conforms to all development standards of the Neighborhood Commercial (NC) land use district as established in the Municipal Code.

#### Plot Plan PA11-0041

The proposed retail building will be constructed on Parcel 3 of the proposed Tentative Parcel Map 36449 on approximately 1 acre. The project includes an 8,320 square foot retail building located south of the existing CVS store with frontage along the Perris Boulevard. The site will include shared access with the existing CVS store and the proposed Parcel 4 and Parcel 5 of Tentative Parcel Map 36449

#### Surrounding Area

Properties surrounding the projects include existing single family residential to the north, south and west with both Residential 5 (west and south) and Residential 10 (north) zoning. To the east is existing retail zoned Neighborhood Commercial and existing Multi-family zoned R20 and R15.

#### Access/Parking

All new lots will include access to either Perris Boulevard or John F. Kennedy with shared access and easements were applicable.

Each new parcel will be required to provide required parking per the City's Municipal Code requirements, pursuant to the review of future plot plan applications.

The proposed parking lot design of the retail building includes 37 parking spaces which meets the minimum parking requirements.

#### Design/Landscaping

The retail building includes a stucco building with a metal roof and nichicha panels, which resemble a stone enhancement, on all four sides of the building. The design

#### Planning Commission Staff Report Page 3

includes a variation of roof lines, subtle reveals for dimension and decorative lighting. Landscaping will be provided per the City's Landscape Requirements and use similar plant material to the adjacent CVS drugstore.

#### **REVIEW PROCESS**

The Tentative Parcel Map was submitted on February 14, 2012, with a project review on March 13, 2012. All revisions requested have been completed.

The Plot Plan was submitted on November 23, 2011, with the project review meeting on December 14, 2011. Several revisions were requested and have been completed to the satisfaction of all parties.

#### **ENVIRONMENTAL**

Based on the nature of the project, there were no specific studies associated with the proposed project. The site is considered in infill development project as the site is vacant land that has been disked for weed control with some drive aisles and driveways constructed on the site for use by the parcel on the corner of Perris Boulevard and John F. Kennedy Drive.

An Initial Study was completed with a determination that there will be no significant impacts to the environment from the proposed Tentative Tract. Based on the information within the Initial Study, a Negative Declaration was recommended to be prepared. It is expected that the proposed Tentative Parcel Map will not individually or cumulatively have an adverse effect on wildlife resources, however all future projects will be required to conduct a 30-day preconstruction survey for the Burrowing Owl per the requirements of the Multi-Species Habitat Conservation Plan.

#### 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 affect reviewing agencies.

Agency		Response Date	<u>Comments</u>
Riverside	County	March 19, 2012	No impacts to the District Master Drainage
Flood Control			Plan.
			Located within the Sunnymead Area
			Drainage Plan.
			Encroachment permit required.

#### STAFF RECOMMENDATION

That the Planning Commission **APPROVE** Resolution No. 2012-06 and thereby:

- 1. **ADOPT** a Negative Declaration for PA12-0007 (Tentative Parcel Map 36449) pursuant to the California Environmental Quality Act (CEQA) Guidelines; and,
- 2. **APPROVE** PA12-0007 (Tentative Parcel Map 36449) subject to the attached conditions of approval included as Exhibits A.

That the Planning Commission **APPROVE** Resolution No. 2012-07 and thereby:

- RECOGNIZE that PA11-0041 (Plot Plan) qualifies as an exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332 (In-Fill Development Projects); and,
- 4. **APPROVE** PA11-0041 (Plot Plan) subject to the attached conditions of approval included as Exhibit A.

Prepared by:

Julia Descoteaux Associate Planner Approved by:

John C. Terell, AICP Planning Official

ATTACHMENTS:

- 1. Public Hearing Notice
- 2. Planning Commission Resolution No. 2012-06 with Conditions of Approval for PA12-0007
- 3. Planning Commission Resolution NO. 2012-07 with Conditions of Approval for PA11-0041
- 4. Reduced Tentative Parcel Map PA12-0007
- 5. Reduced Site Plan PA11-0041
- 6. Initial Study
- 7. Zoning Map
- 8. Ortho Map



# 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):

PA12-0007 PA11-0041	(Tentative Parcel Map 36449) (Plot Plan)

- APPLICANT: Winchester Associates Inc. Boos Development Group Inc
- OWNER: Professors Fund IV LLC
- REPRESENTATIVE: David Slawson David Morse
- LOCATION: SWC Perris Boulevard and John F. Kennedy Drive (APN: 485-081-034)

**PROPOSAL:** A Tentative Parcel Map (36449) to subdivide 6.84 acres into 5 lots for commercial purposes and a Plot Plan to develop one parcel into a retail store. The retail store will be on one acre and be approximately 8,320 square feet. The zoning is Neighborhood Commercial (NC).

**ENVIRONMENTAL DETERMINATION:** The project does not have the potential for any significant impacts on the environment. Therefore, the adoption of a Negative Declaration is recommended

#### COUNCIL DISTRICT:

STAFF RECOMMENDATION: Approval

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

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

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

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



# LOCATION N **↑**

## PLANNING COMMISSION HEARING

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

#### DATE AND TIME: May 10, 2012 at 7 PM

#### CONTACT PLANNER: Julia Descoteaux

PHONE: (951) 413-3209

#### **ATTACHMENT 1**

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#### RESOLUTION NO. 2012-06

#### A RESOLUTION OF THE PL ANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA12-0007 TENTATIVE PARCEL MAP 36449 TO DIVIDE 6.85 ACRES INTO 5 COMMERCIAL LOTS ASSESSORS PARCEL NUMBER 485-081-034.

**WHEREAS,** Winchester Associates Inc. has filed an application for the approval of Tentative Parcel Map 36449 as described in the title of this Resolution.

**WHEREAS,** on May 10, 2012, the Planning Co mmission 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 considered the initial study prepared for the project for the purposes of compliance with the California Environmental Quality Act (CEQA). Based on the initial study, it was determined that the project will not result in significant environmental impacts and theref ore adoption of Negative Dec laration is recommended.

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

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to ce rtain 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 May 10, 2012, in cluding written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
  - 1. That the proposed land division is consistent with applicable general and specific plans;

ATTACHMENT 2

1

**FACT:** The applicant has proposed T entative Parcel Map 36449 to subdivide 6.85 acres into 5 commercial lots. Lots will range from .59 acres to 2.7 acres. The pr oposed map is consistent with the goals and objectives of the General Plan.

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

**FACT:** The design or improvement of this land division is consistent with and does not conf lict with the General Plan. The design of the tract map, in cluding lot design s tandards, is consistent with t he development requirements of the Neighborhood Commercial zone.

 That the des ign of the proposed land division or the proposed improvements are not likely to c ause substantial en vironmental damage or substantially and unavoidably injure fish or wild life or their habitat or cause serious health problems;

**FACT:** Pursuant to the California Environmental Quality Act (CEQA) guidelines, and the comple ted environmental initial study, the proposed project would not negatively impact the surrounding properties in the general vicinity and would not cause substantial environmental damage or substantially and unavoidably insure fish or wildlife or their habitat. As designed and cond itioned, the proposed tract map would not cause e serious health problems or significant environmental impacts.

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

**FACT:** There are no conflicts wit h easements on the subject site.

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

**FACT:** The proposed map meets the intent of the General Plan and Municipal Code by p roviding and/or allowing for future

commercial and retail land uses. Pr oximity to existing commercial entities and the adjacent resi dential component allows f or contiguous developments and infrastructure. The project does n ot exceed the planned density, t he associated public serv ice demand, or the demand for en vironmental resources envisioned by the Moreno Valley General PI an. The project does not exceed a threshold which would create pot ential significant impacts t o fiscal and environmental resources. The future projects will supplement the City's fiscal resources by paying applicable impact fees for public facilities.

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

1. Impact, mitigation and other f ees are due and pay able under currently applicable ordinances and resolutions. These fees may include but are not limited to: Developm ent Impact Fee, Trans portation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fe e, Area Drainage Plan fee, Bri dge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon in formation provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by the is 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 Munici pal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the f ees and the fee calculations consistent with applicable law.

#### 2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approv al for PA12-0007, incorporated herein by reference, may include ded ications, 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 Se ction 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of an y impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective dat e of this resolution and any such protest must be in a manner that complies with Sect ion 66020(a) and failure to timely follow this procedur e will bar any subs equent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedi cations, 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, dedi cation, reservations, or other exactions of which a not ice has been giv en similar to this, nor does it revive challenges to any fees for wh ich the Statute of Limitations has previously expired.

**BE IT FURTHER RESOLV ED** that the Planning Commission **HEREBY APPROVES** Resolution No. 2012-06 approving PA12-0007, Tentative Parcel Map 36449 subject to the attached Conditions of Approval (Exhibit A).

APPROVED this 10<sup>th</sup> day of May, 2012.

Ray L. Baker Planning Commission

Chair,

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 FOR PA12-0007 **TENTATIVE PARCEL MAP 36449** A.P.N.: 485-081-034

Approval Date: Expiration Date: 10, 2012 10, 2015

The following conditions are attached for the following departments:

May

May

- X Planning (P), including School District (S), Post Office (PO), Building (B)
- X Land Development (LD)
- X Public Works, Special Districts (SD)
- Public Works Transportation (TE)
- X Police (PD)
- Moreno Valley Utilities

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

#### COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

#### Planning Division

#### **GENERAL CONDITIONS**

- P1. This approval shall comply with all app licable requirements of the City of Moreno Valley Municipal Code.
- P2. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become nulland void and of no effect whatoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)

#### Exhibit A

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

R - Map Recordation

GP - Grading Permits WP - Water Improvement Plans BP - Building Permits

CO - Certificate of Occupancy or building final P - Any permit

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

GP - General Plan Ord - Ordinance Res - Resolution

MC - Municipal Code DG - Design Guidelines UFC - Uniform Fire Code SBM - Subdivision Map Act

CEQA - California Environmental Quality Act Ldscp - Landscape Development Guidelines and Specs UBC - Uniform Building Code

- P3. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
- P4. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P6. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.
- P7. All future projects for development of the proposed parcels shall require the submittal of a Plot Plan.
- P8. All future Plot Plans will be conditioned to provide a 30-day pre-construction Burrowing Owl survey which shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area
- P9. (BP) Prior to the approval of building permits for individual parcels, provide proof of reciprocal parking and access easements where required.

R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the follow ing documents to the Planning Division which shall demonstrate that the projectwill be developed and maintained in accordance with the intent and purpose of the approval:

- a. The document to convey title
- b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be r ecorded at the same time that the subdivision map is recorded. The docum ents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, water quality basins, lighting, landscaping and common ar ea if applicable. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- The developer shall promote the use of native plants and trees and drought tolerant species to the extent feasible.
- (R) All lots designated for open space and or detention basins, shall be included as an easement to, and mainta ined by a private maintenance entity. Language to this effect shall be included and reviewed within the required Covenant Conditions and R estrictions (CC&Rs) prior to the approval of the final map.
- Maintenance of any and all common facilities.

#### PRIOR TO GRADING

- P10. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P11. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over3 feet in height shall be submitted to the Planning Division for review and approval forthe phase in process. The plans shall be designed in accordance with the slope er osion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)
- P12. (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 alternativ e measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

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

P13. (GP) Prior to the issuance of gradi ng permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be comple ted in accordance with the Burrowing Owl Survey Instructions for the Western Riveside Multiple Species Habitat Conservation Area.

#### PRIOR TO BUILDING PERMIT

P39. (BP) Prior to issuance of building permits, the developer or developer's successorin-interest shall pay all applicable im pact 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)

#### 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. Allnew projects shall provide a soils report as well. Plans shall be submitted to the <u>Building and Safety Division as a separate submittal</u>. The 2010 edition of the California Codes became effective for all permits issued after January 1, 2011.

COMMERCIAL, INDUSTRIAL, MULTI- FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

- 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.

#### PLANNING DIVISION CONDITIONS OF APPROVAL Page 5

#### 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 durati on of construction. Securi ty 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 pemits, 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 remainin 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 & Economic Development Department Building Division for routing to the Police Department. (DC 9.08.080)

#### CITY OF MORENO VALLEY COMMUNITY & ECONOMIC DEVELOPMENT - LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL PA12-0007 Tentative Parcel Map No. 36499 APN 485-081-034

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

#### COMMUNITY & ECOMONIC DEVELOPMENT – LAND DEVELOPMENT DIVISION

The following are the Community & Econom ic Development Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any go vernment agency. All questions regarding the intent of the following conditions shall be referred to the Community & Economic Development Department – Land Development Division.

#### General Conditions

- LD1. (G) The d eveloper shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the Stat e of California, specif ically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)
- LD2. (G) If the project involves the subd ivision of land, maps may be devel oped in phases with the approval of the City Engineer. Financial security shall be provided for all improve ments associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication n and construction of necessary utilities, streets or oth er improvements outsi de the area of any particular map, if the improvements are needed for circulat ion, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5).
- LD3. (G) It is understood that the tentative map correctly shows all ex isting easements, traveled ways, and drainage cour ses, and that their omission may require the map or plans associate d with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the im provement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD5. (G) The developer sha II 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 depo sited on any public street no later than the end of each working day.
- (b) Observance of working hours a s stipulated on permits issued by t he 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 t 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 Muni cipal Code 8.14.090. In addition, the City Eng ineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in the se conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD6. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improve ment or grading plan submittal. The study shall be prepared by a registered civil engineer and shall includ e existing and proposed hydrologic condit ions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the relat ed improvement or grading plans, the developer shall submit the approved drainage study, on comp act disk, in (.pdf) digital format to t he Land Development Division of the Public Works Department.
- LD7. (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 app roval 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

- LD8. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch my lar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD9. (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 existin g natural d rainage patterns with r espect to tributary drainage area and outlet points. Unless otherwise approve d 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 shal I 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 a ppropriate 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 L and Development Division. The report shall address the soil's stability and geological conditions of the site.
- LD10. (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 Eliminati on System (NPDES) mandate s 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.
- LD11. (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 I dentification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be note d on the grading plans prior to issuance of the first grading permit.
- LD12. (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 curr ent SWPPP shall be kept at the project site and be available for review upon re quest. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD13. (GPA) Prior to the a pproval of t he grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD14. (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 per mit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fe es. 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. (M C 9.14.100)

- LD15. (GP) Prior to issuance of a grading permit, security, in the form of a ca sh 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.
- LD16. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

#### Prior to Map Approval or Recordation

- LD17. (MA) Prior t o approval of the map, the developer shall su bmit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land De velopment Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be rel evant to the project. In addition, for single-family re sidential development, the developer shall submit bylaws and articles of incorporation for review and approval as part of the maintenance agreement for any water quality basin.
- LD18. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of t he improvements required as a condition o f approval of the project. A public impr ovement agreement will be required to be executed.
- LD19. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital form at to the La nd Development Division of the Public Works Department.

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

- LD20. (CP) There is a City mo ratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for tren ch repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD21. (CP) The developer may be required to bring any existing access ramps adjacent to and fronting the project to cur rent ADA (Americans with Disabilities Act) requirements. However, when work is required in an interse ction that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current A DA requirements, unless approved otherwise by the City Engineer.
- LD22. (CP) All work performed within t he City right-of-way re quires 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 Engi neer 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)

LD23. (CP) Prior to issua nce of con struction permits, the deve loper shall pay all applicable inspection fees.

#### Prior to Building Permit

- LD24. (BP) Prior to issuance of a building permit, the final parcel map shall be recorded.
- LD25. (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 insta lled by a registered land surveyor or licensed engineer.

#### Prior to Certificate of Occupancy

- LD26. (CO) Prior to issu ance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.
- LD27. (CO) Prior to issuance of a certificate of occu pancy, 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 Propositio n 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the Following are the requirements:
  - a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for t he required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in a ccordance with Resolution No. 2002-46.
    - i. Participate in the mail ballot pr occeeding in compliance with Proposition 218, for the Common Interest, Co mmercial, 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 re quest building permits 90 days prior to their issuance and the financial op tion selected. The financial option selected shall be in p lace prior to t he issuance of certificate of occupancy. (California Govern ment Code & Municipal Code)
- LD28. (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.

- LD29. (CO) The City of Moreno Valley has an a dopted 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 o ccupancy. The fees are subject to the provisions of the enabling ordinance and the fee sch edule in effect at the time of occupancy.
- LD30. (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 Condition s, including but not limited to the following applicable improvements:
  - a. Street improvements including, b ut not limit ed to: drive approach es, pedestrian ramps, street lights, sig ning, striping, under sidewalk drains, landscaping and irrigation.
  - b. Sewer and water systems including, but not limited to: sa nitary sewer, potable water and recycled water.
  - c. Under grounding of existing and pr oposed utility lines less than 115,000 volts.
- LD31. (CO) Prior to issuance of a certificate of occupancy or building final, a ll existing and new u tilities adjacent to and on-site shall be placed undergr ound in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
- LD32. (CO) Prior to issuance of a certificate of o ccupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General I ndustrial Activities Stor m Water Permit as issued by the State Water Resources Control Board.

#### SPECIAL CONDITIONS

- LD33. All conditions for related project Plot Plan PA11-0041 shall be satisfied at the timing specified in those conditions of approval.
- LD34. Parcel Map No. 36499 related to the project Plot Plan s hall show reciprocal access easements to be dedi cated or a separate recorded copy of a reciprocal access agreement shall be sub mitted for review and approval prior to approval of the final map.
- LD35. Prior to issuance of a building permit for Plot Plan PA11-0041, final Parcel Map No. 36449, City Planning Applicatio n Case No. PA12-0007, shall record. Security may be required to cover the costs of any missing public improvements or th ose in need in rep air as w ell as to c over the undergrounding of overhead utilities.

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#### CITY OF MORENO VALLEY CONDITIONS OF APPROVAL Case No: PA12-0007 (TPM 36449) APN: 485-081-034 03.06.12

#### PUBLIC WORKS DEPARTMENT

#### **Special Districts Division**

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

#### Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA12-0007**; this project shall be c ompleted 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 s ought from the Special Districts Divis ion of the P ublic Works Department 951.413.3480. The applicant is fully responsible for c ommunicating with each designated Spec ial 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 Dis tricts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.
- SD-2 Any damage to existing landscape areas maintained by the Moreno Valley Community Services District due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.
- SD-3 Streetlight Authorization forms, for all streetlight s that are conditioned t o be installed as part of this projec t, must be submitted to the Special Districts Division for approval, prior to streetlight installation. The Streetlight Authorization form can be o btained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison.

#### Prior to Recordation of Final Map

Special Districts Division Conditions of Approval Case No: PA12-0007 (TPM 36449) APN: 485-081-034 Page 2 of 3

- SD-4 (R) This project has been identified to be included in the formation of a Community Facilities Dis trict (Mello-Roos) for **Public Safety** services, including but not limit ed to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owne r(s) shall not protest the formation; however, they retain t he 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 formati on of the CFD or annexation into an existing district that ma y already be established. The Develo per must notify Special Districts of intent to record final map 90 days prior to City Council action authorizing recordation of the map. (California Government Code)
- SD-5 (R) This project is conditioned to provide a funding source for the capital improvements and/or maint enance for the existing **Perris Blvd.** median landscape. In order f or the Developer to meet the financi al responsibility to maintain the defined service, one of the options as outlined below s hall be selected. The Developer must notif y Special Districts of intent to record final map 90 days pr ior to Cit y Council action authorizing recordation of the map and the fi nancial option selected to fund the continued maintenance.
  - a. Participate in the m ail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all assoc iated costs with the ballot process; or
  - b. Establish an endowment to cover the future maintenance costs of the landscaped area.

# The financial option selected shall be in place pr ior to the issuance of certificate of occupancy.

- SD-6 *Commercial* (R) If Land Development, a Divis ion of the Community and Economic Development Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, t he developer must notify Special Districts of intent to record final map 90 days prior to City Counc il action authorizing recordation of the map and the financial option selected to fund the continued maintenance. (California Government Code)
- SD-7 (R) Prior to recordation of the final map, the developer, or the dev eloper's successors or assignees, shall record with the County Recorder's Office a

Special Districts Division Conditions of Approval Case No: PA12-0007 (TPM 36449) APN: 485-081-034 Page 3 of 3

> **Covenant of Assessments** for each assessable par cel therein, whereby the developer covenants the existenc e of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annua I benefit zone charges and the appropriate National Poll utant Discharge Eliminat ion System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Covenant of Assess ments shall be submitted to the Special Districts Division. For a copy of the Cov enant of Assessments form, please contact Special Districts, phone 951.413.3480.

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

SD-8 (BP) Prior to the issuance of the first building for this project, the developer shall pay Advanced Energy fees for all applic able Zone B (Residentia I Street Lighting) and/or Zone C (Arter ial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Dis tricts 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 programs. P ayment 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 Cit y Fees, Charges and Rates, as adopted by Ci ty Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanc ed Energy fees at the then current fee.



# Public Works Transportation Engineering Division

# $\textbf{M} \in \textbf{M} \bigcirc \textbf{R} \land \textbf{N} \bigcirc \textbf{U} \end{matrix}$

To: Julia Descoteaux, Associate Planner

From: Michael Lloyd, Senior Engineer

Date: March 15, 2012

Subject: **Conditions of Approval for PA12-0007** – Tentative Parcel Map 36449 to subdivide 6.85 acres into five commercial lds located on the southwest corner of Perris Boulevard and John F. Kennedy Drive.

Attached are the Transportation Engineering Conditions of approval for the subject project.

#### CITY OF MORENO VALLEY

#### CONDITIONS OF APPROVAL PA12-0007

Tentative Parcel Map 36449 to subdivide 6.85 acres into five commercial lots located on the southwest corner of Perris Boulevard and John F. Kennedy Drive.

**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 altered from any approved plans.

#### PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE2. Sight distance at driveways and on streets shall conform to City of Moreno Valley Standard No. 125A, B, C at the time of peparation of final grading, landscape, and street improvements.
- TE3. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer may be required.

#### PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE4. (CO) Prior to issuance of a certif icate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

#### CITY OF MORENO VALLEY CONDITIONS OF APPROVAL Case No: PA12-0007 APN: 485-081-034 February 27, 2012

#### PUBLIC WORKS DEPARTMENT

#### Moreno Valley Utility

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

#### Acknowledgement of Conditions

The following items are Moreno Va Iley Utility's Conditions of Approval for project(s) PA12-0007; this project shall be completed at no cost t o any Government Agency. All questions regarding Moreno Valle y Utility's Conditions in cluding but not limited to, intent, requests for change/modi fication, variance and/or reque st for extension of time shall be sought from Moreno Va Iley Utility (the Elec tric 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 distributi on facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to inc lude all such common areas. All easements shal I include the rights of ingress and egress for the purpos e of operation, maintenance, facility repair, and meter reading.
- MVU-2 (BP) **City of Moreno Valley Municipal Utilit y Service Electr ical Distribution**: Prior to constructing the MV U Electric Utility System, the developer shall submit a detailed engineering plan sh owing 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 t he 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 agr eement 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 designe e, 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 iden tified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "ut ility system" (to and ong with any appurtenant real property through the development), al easements, as deter mined by the City Engineer to be neces sarv 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 g as services, which are addressed by other conditions of approv al. 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 ut ility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the in stallation of such interconnection facilities as may be nec essary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may caus e the project to be included in or annexed to a community facilities district established or to be established by the City for the pur pose of financing the installation of such interconnection and d istribution 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 lim itations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU-3 This project may be subject to a Re imbursement Agreement. The project is responsible for a proportionate share of costs associated with electric al distribution infrastructure previously instal led that directly be nefits 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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PLANNING COMMISSION RESOLUTION NO. 2012-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA11-0041 (PLOT PLAN) FOR THE CONSTRUCTION OF A 8,320 SQUARE FOOT RETAIL BUILDING LOCATED ON THE WEST SIDE OF PERRIS BOULEVARD, SOUTH OF JOHN F. KENNEDY DRIVE ON A PORTION OF PARCEL 485-081-034.

WHEREAS, Boos Development Group, Inc., has filed an application for the approval of PA11-0041 (Plot Plan) for a retail building as described in the title of this Resolution.

**WHEREAS,** on May 10, 2012, 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 May 10, 2012, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
  - 1. **Conformance with General Plan Policies –** The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

**FACT:** The proposed retail building is consistent with the General Plan and the Neighborhood Commercial (NC) zone. As

ATTACHMENT 3

1

designed and conditioned, the proposed project will be consistent and does not conflict with the goals, objectives, policies and programs of the General Plan.

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

**FACT:** The proposed project will be located within the Neighborhood Commercial (NC) zone. The primary focus of the Neighborhood Commercial land use district is to satisfy the daily shopping needs of Moreno Valley residents by providing construction of conveniently located neighborhood centers which provide limited retail commercial services. As proposed, the project complies with all applicable zoning and Municipal Code requirements.

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 project is a small-scale retail building on an infill site in an urban setting. The proposed project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. The project would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15332 (In-Fill Development Projects)..

As designed and conditioned, the project will not be detrimental to public health, safety or welfare and will not result in significant environmental impacts.

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

**FACT:** The design of the proposed retail building is in conformance with the Neighborhood Commercial zoning. As designed, the retail building will be 8,320 square feet. The retail building includes a stucco building with a metal roof and nichicha panels which resemble a stone enhancement on all four sides of the building. The design includes a variation of roof lines, subtle reveals for dimension and decorative lighting. Landscaping will be provided per the City's Landscape Requirements. The proposed use would be in conformance with the existing surrounding development and is consistent with all applicable goals, objectives,

policies and programs of the General Plan and the City's Municipal Code.

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

# 1. FEES

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

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

# 2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA11-0041, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

# 3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

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

Pursuant to Government Code Section 66020(d) (1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition. The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

**BE IT FURTHER RESOLV ED** that the Planning Commission **HEREBY APPROVES** Resolution No. 2012-07 approving PA11-0041 (Plot Plan) for the retail building located on a portion of parcel 486-081-034 subject to the attached conditions of approval included as Exhibit B.

APPROVED this 10th day of May, 2012.

Ray L. 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 PLOT PLAN PA11-0041 APN: 485-081-034

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

May 10, 2012 May 10, 2015

- Planning (P), including School District (S), Post Office (PO), Building (B)
- <u>X</u> **Fire Prevention Bureau (F)**
- Land Development (LD)
- Public Works, Special Districts (SD)
- Х Public Works – Transportation Engineering (TE)
- Police (PD) Х
- Moreno Valley Utilities

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

# COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

# **Planning Division**

# 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 threeyear period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
- P2. 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

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				
	5	1 3 6		
Governing Document (see abbrevia	tion at the end of the affected	d condition):		
	MC - Municipal Code DG - Design Guidelines UFC - Uniform Fire Code SBM - Subdivision M -115	Ldscp - Landscape Development Guidelines and Specs UBC - Uniform Building Code		

Exhibit A

Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)

- P3. 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)
- P4. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P5. 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)
- P6. (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**

- P7. The site has been approved for an 8,320 square foot retail building. A change or modification shall require separate approval.
- P8. To reduce noise impacts to below the level of 55 dBA at one time bey ond the boundaries of the property, delivery operations will be conducted between the hours of 7 am and 8pm. Loading or unloading activities shall be conducted from the designated loading areas. (MC 9.10.140, CEQA)
- P9. The parking lot lighting shall be maintained in good repair and shall complywith the Municipal Code lighting standards of a minimum of one (1) foot candle and a maximum of eight (8) foot candle.
- P10. One outdoor trash receptacle shall be provided.

# Prior to Issuance of Grading Permits

P11. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as

#### PLANNING DIVISION CONDITIONS OF APPROVAL PA11-0041 PAGE 3

appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, **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 (Califor nia Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

- P12. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P13. (GP) Within thirty (30) days prior to any grading or other land disturbance, a preconstruction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan.
- P14. (GP) Decorative pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect commercial/industrial buildings, parking and the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
- P15. (GP) Prior to the issuance of buildi ng permits, the site plan shall show decorative concrete pavers for all dri veway ingress/egress locations of the project. (Only, if existing driveways are to be repaired or replaced).
- P16. (GP) Prior to issuance of grading permis, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
  - A. 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 for screening.
  - B. Proposed screening walls for truck loading areas and required loading docks shall also include decorative block walls as approved by the Planning Division.

### PRIOR TO BUILDING PERMITS

- P17. (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)
- P18. (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 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)
- P19. (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. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)
- P20. (BP) Prior to issuance of building permits, the developer or developer's successor-ininterest 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)
- P21. (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 w ith 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 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.
- C. Drought tolerant landscape shall be used. Sod shall not be used.
- D. Street trees shall be provided every40 feet on center in the right of way.
- E. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of aparking lot and per thirtylinear 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.
- F. Enhanced landscaping shall be provided at all driveway entries and street corner locations
- G. The review of all utilityboxes, transformers etc. shall be coordinated to provide adequate screening from public view.
- H. Landscaping on three sides of any trash enclosure.
- P22. Prior to the issuance of building permits, the site plan shall show designated cart areas on the plan, if necessary Said area shall not include areas designated for parking within each individual parcel. If a cart storage area is provided near the building, a low decorative block wall to screen the carts shall be provided
- P23. (BP) Prior to the issuance of building permts, the master site plan shall include landscape for trash enclosures to incl ude landscape on three sides, w hile elevation plans for trash enclosures shall be provided that include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of theproposed buildings on the site, subject to the approval of the Planning Division.
- P24. (BP) Prior to the issuance of building permits, the elevation plans shall be revised to include decorative lighting sconces on all sides of the buildings facing the parking lot, or public right of w ay to provide up-lighting and shadowing on the structures. Includedrawings of the sconce details for each building within the elevation plans.

# PRIOR TO CERTIFICATE OF OCCUPANCY

P25. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)

# P26. (CO) Prior to the issuance of Certifi cates 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).

 P27. (CO) Prior to issuance of Certificate ofOccupancy or building final, compliance with Ordinance 838 regarding the Cont ainment of Shopping Carts shall be completed and on file with the Community & Economic Development Department – Code Compliance.

### Building and Safety Division

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

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

- 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.

# 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.

PLANNING DIVISION CONDITIONS OF APPROVAL PA11-0041 PAGE 7

# 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.

### 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 needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient.

- PD5. All exterior doors in the rear and the front of the buildings need an address or suite number on them.
- PD6. All rear exterior doors should have an overhead low sodium light or a light comparable to the same.
- PD7. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building. The parking lots should have adequate lighting to insure a safe environment for customers and or employees.
- PD8. All landscape cover should not exceed over 3' from the ground in the parking lot.
- PD9. Bushes 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.
- PD10. 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 while parking their vehicles in the parking lot.
- PD11. Cash registers shall be placed near the front entrance of the store.
- PD12. Window coverings shall comply with the city ordinance.

#### 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) . A 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 ½" x 2 ½") and super enhanced fire hydrants (6" x 4" x 4" x 2 ½") 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. 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)

- F5. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)
- F6. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)
- F7. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- F8. 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])
- F9. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
- F10. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3)
- F11. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
- F12. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F13. Prior to issuance of 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)

- F14. 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)
- F15. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial</u> <u>buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)
- F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)
- F17. 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)
- F18. 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. 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)
- F19. 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.
- F20. 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)

- F21. 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.
- F22. 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)
- F23. 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)
- F24. 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)
- F25. 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)
- F26. 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)
- F27. 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)
- F28. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F29. 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.

F30. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

#### CITY OF MORENO VALLEY COMMUNITY & ECONOMIC DEVELOPMENT - LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL PA11-0041 Plot Plan Family Dollar Store APN 485-081-034

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

#### COMMUNITY & ECONOMIC DEVELOPMENT – LAND DEVELOPMENT DIVISION

The following are the Community & Economic Development 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 Community & Economic Development Department – Land Development Division.

#### General Conditions

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5).
- LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a

public nuisance, including but not limited to, insuring strict adherence to the following:

- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
- (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
- (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
- (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

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

- LD6. (G) 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.
- LD7. (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

- LD8. (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.
- LD9. (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.
- LD10. (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.
- LD11. (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.
- LD12. (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.
- LD13. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD14. (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)

- LD15. (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.
- LD16. (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

- LD17. (CP) There is a City 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.
- LD18. (CP) The developer may be 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.
- LD19. (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)
- LD20. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

#### Prior to Building Permit

- LD21. (BP) Prior to issuance of a building permit, final Parcel Map No. 36449, City Planning Application Case No. PA12-0007, shall be recorded.
- LD22. (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

LD23. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

- LD24. (CO) Prior to issuance of a certificate of occupancy, 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 certificate of occupancy 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 request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)
- LD25. (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.
- LD26. (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.
- LD27. (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: drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation.
  - b. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

- c. Under grounding of existing and proposed utility lines less than 115,000 volts.
- LD28. (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)
- LD29. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

#### SPECIAL CONDITIONS

- LD30. Prior to precise grading plan ap proval, the grading plans shall show any proposed trash enclosure as du al bin; one bin for tra sh and one bin fo r recyclables. The trash enclosure shall be per City Standard Plan 627.
- LD31. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and t ravel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Dep artment of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.
- LD32. Prior to precise grading plan approval, the plans sh all show that the designer has made a good faith effort to incorporate, to the greatest extent feasible, implementation of water quality treatment. This may be accomplished via site design, source control and/or treatment control Best Management Practices (BMPs). These water quality BMPs might include but not be limited to, directing the roof drains to a landscaped area instead of directly to the concrete drive or parking lot, including grass sw ales, utilization of porous pavement, providing addition al trash cans, etc. Riverside County's "Supplement A" and "Supplement A Atta chment" shall be used to select on-site BMPs.
- LD33. Prior to precise grading plan approval, the plan shall reference re ciprocal access across lots either b y easement(s) to be shown on final Parcel Map No. 36499 or by separate instrument.
- LD34. Prior to precise grading plan ap proval, the plans sha II clearly show the extents of all existing easements on the property . All building structures shall be constructed outside of existing easements.
- LD35. Prior to b uilding permit issuance, the applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way along project frontage. T he applicant will be

required to install, replace and/or repair an y missing, damaged o r 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.

- LD36. Prior to is suance of a building permit, final Parcel Map No. 3 6449, City Planning Application Case No. PA12-0007, shall record.
- LD37. Prior to occupancy issuance, 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.

### CITY OF MORENO VALLEY CONDITIONS OF APPROVAL Case No: PA11-0041 (PP for a 8,320 sq ft retail building) APN: 485-081-034 12.19.11

#### PUBLIC WORKS DEPARTMENT

#### Special Districts Division

**Note:** All Special Conditions, Modified C onditions, 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 **PA11-0041**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

#### **General Conditions**

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.
- SD-2 Any damage to existing landscape areas maintained by the Moreno Valley Community Services District due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

#### Prior to Building Permit Issuance

SD-3 (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-4 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Perris Blvd.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the options as outlined below shall be selected. 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.
  - Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
  - b. Establish an endowment to cover the future maintenance costs of the landscaped area.

# The financial option selected shall be in place prior to the issuance of certificate of occupancy.

- SD-5 *Commercial* (BP) If Land Development, a Division of the Community and Economic Development Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (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 A cknowledgement 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 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 The developer shall provide a receipt to the Special development. 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.



# Public Works Transportation Engineering Division

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To: Julia Descoteaux, Associate Planner

From: Michael Lloyd, Senior Engineer

Date: February 24, 2012

Subject: **Conditions of Approval for PA11-0041** – A 8,320 SF Retail Building located along Perris Boulevard south of John F Kennedy Drive.

Attached are the Transportation Engineering Conditions of approval for the subject project.

# CITY OF MORENO VALLEY

#### CONDITIONS OF APPROVAL PA11-0041

# A 8,320 SF Retail Building located along Perris Boulevard south of John F Kennedy Drive.

**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 altered from any approved plans.

# PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE2. 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.
- TE3. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer may be required.

### PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE4. (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.

### CITY OF MORENO VALLEY CONDITIONS OF APPROVAL Case No: PA11-0041 (PP for a 8,320 sq ft retail building) APN: 485-081-034 12.19.11

#### PUBLIC WORKS DEPARTMENT

#### Special Districts Division

**Note:** All Special Conditions, Modified C onditions, 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 **PA11-0041**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

#### **General Conditions**

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.
- SD-2 Any damage to existing landscape areas maintained by the Moreno Valley Community Services District due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

#### Prior to Building Permit Issuance

SD-3 (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-4 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Perris Blvd.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the options as outlined below shall be selected. 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.
  - Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
  - b. Establish an endowment to cover the future maintenance costs of the landscaped area.

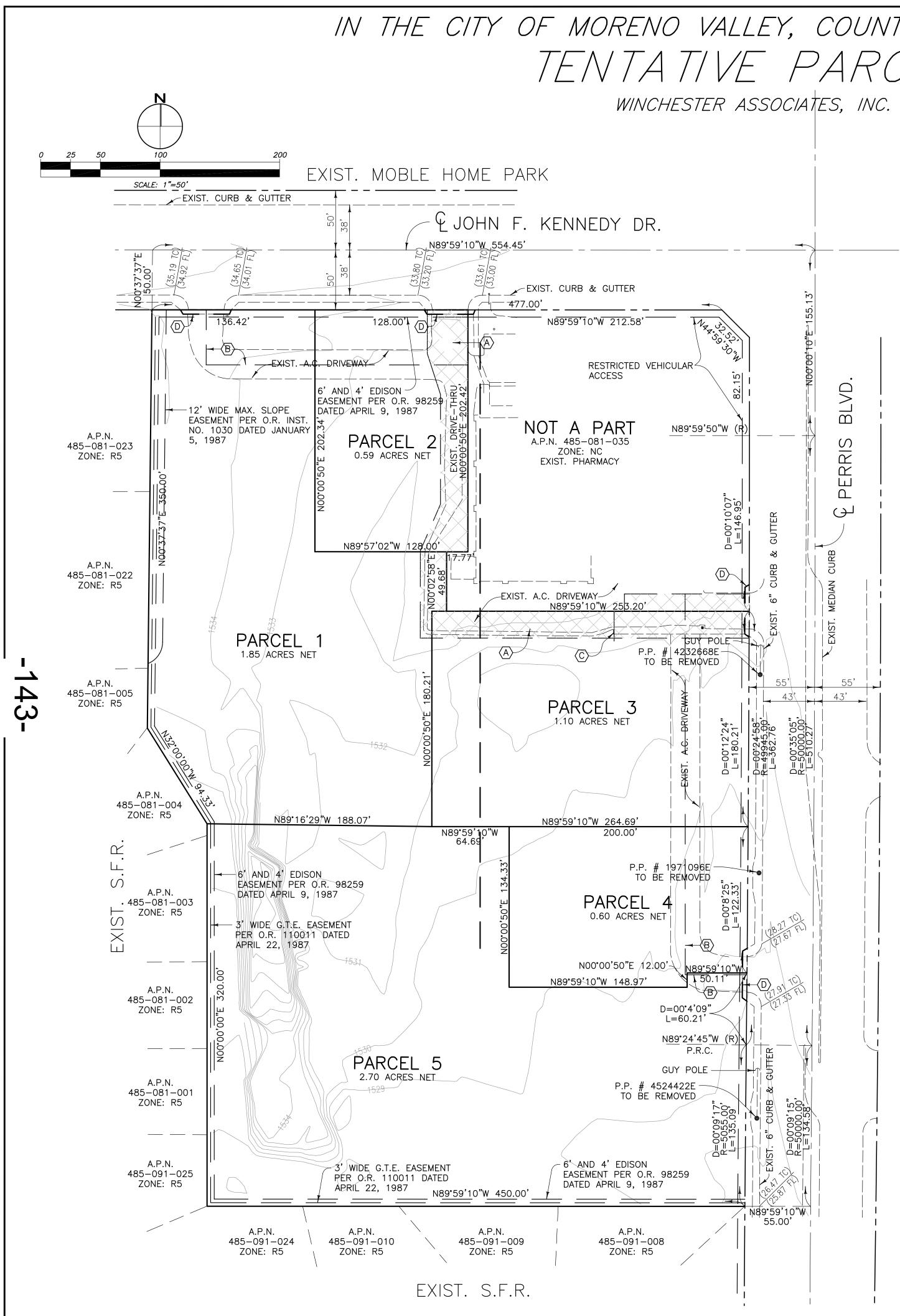
# The financial option selected shall be in place prior to the issuance of certificate of occupancy.

- SD-5 *Commercial* (BP) If Land Development, a Division of the Community and Economic Development Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (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 A cknowledgement 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 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 The developer shall provide a receipt to the Special development. 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.



IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA TENTATIVE PARCEL MAP 36449 FEBRUARY 2012

# LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

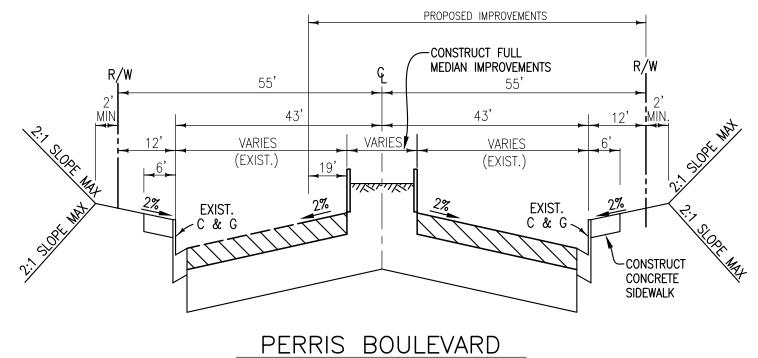
PARCEL "2" AS SHOWN ON THAT CERTAIN LOT LINE ADJUSTMENT NO. 961/AND CERTIFICATE OF COMPLIANCE, AS EVIDENCED BY DOCUMENT RECORDED MAY 16, 2005, AS INSTRUMENT NO. 2005-0386304 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 123 OF TRACT NO. 19210, AS SHOWN BY MAP ON FILE IN BOOK 164, PAGES 49 TO 53 INCLUSIVE OF MAPS, RECORDS OF RIVERSIDE COUNTY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

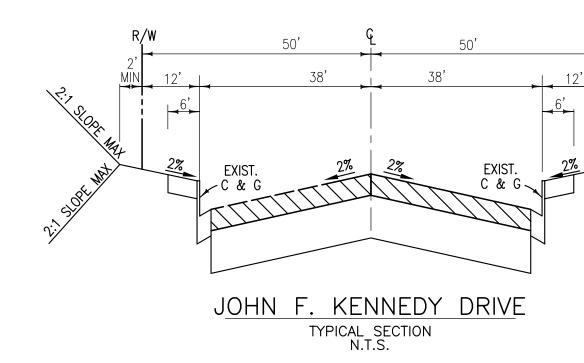
COMMENCING AT THE INTERSECTION OF THE CENTERLINES OF JOHN F. KENNEDY DRIVE (BEING 100.00 FEET IN WIDTH), AND PERRIS BOULEVARD (VARYING IN WIDTH), AS SHOWN ON PARCEL MAP NO. 25995-1, FILED IN BOOK 175, PAGES 16 AND 17, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID CENTERLINE OF JOHN F. KENNEDY RIVE NORTH 89°59'10" WEST 554.45 FEET; THENCE SOUTH 00°37'37" WEST 50.00 FEET TO THE SOUTH LINE OF JOHN F. KENNEDY DRIVE AND THE TRUE POINT OF BEGINNING: THENCE ALONG SAID SOUTH LINE SOUTH 89°59'10" EAST 264.42 FEET; THENCE SOUTH 00°00'50" WEST 202.42 FEET; THENCE NORTH 89°57'02" WEST 17.77 FEET; THENCE SOUTH 00°02'58" WEST 49.68 FEET; THENCE SOUTH 89'59'10" EAST 253.20 FEET TO THE WEST LINE OF PERRIS BOULEVARD, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 49945.00 FEET, A RADIAL LINE AT SAID BEGINNING OF CURVE BEARS SOUTH 89°49'43" EAST; THENCE SOUTHERLY 362.79 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°24'58" TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 50055.00 FEET; THENCE SOUTHERLY 135.09 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°09'17": THENCE NORTH 89°59'10" WEST 450.00 FEET; THENCE NORTH 00°00'00" EAST 320.00 FEET; THENCE NORTH 32°00'00" WEST 94.33 FEET; THENCE NORTH 00° 37'37" EAST 350.00 FEET TO THE POINT OF BEGINNING.

# EASEMENT NOTES

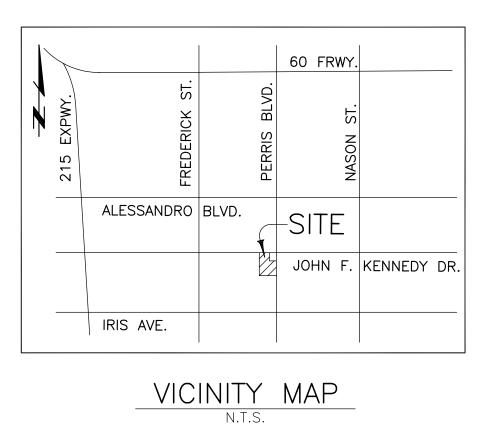
- $\langle A \rangle$ RECIPROCAL ACCESS EASEMENT PER INSTR. NO. 2006-0405874
- $\langle B \rangle$ CENTERLINE OF A 30 FOOT WIDE RECIPROCAL ACCESS EASEMENT PER INSTR. NO. 2006-0405874
- $\langle C \rangle$ CENTERLINE OF A 6 FOOT WIDE EASEMENT TO S.C.E. PER INSTR. NO. 2006-03.95330
- RIGHT OF WAY EASEMENT TO THE CITY OF MORENO VALLEY PER INSTR. NO. 2006-0643463  $\langle D \rangle$



TYPICAL SECTION N.T.S.



No. REVIS	IONS	BY DATE	-
2			
3			
	GENERAL	NOTES	
OWNER/APF	LICANT	LAND USE AND ZONING	
PROFESSORS FUND IV, LLC 990 HIGHLAND DR. SUITE 204 SOLANA BEACH, CA 92075		CURRENT GENERAL PLAN CC CURRENT ZONING CC PROPOSED ZONING CC	
PHONE: (604) CONTACT: BOB		EXISTING USE VACANT PROPOSED LAND USE COMMERCIAL	
		AREA AND DENSITY	
ENGINEER WINCHESTER AS DAVID J. SLAWS 23640 TOWER		GROSS ACREAGE7.77 ACRNET ACREAGE6.84 ACR	
MORENO VALLE` PHONE: (951) FAX: (951) 924	924-5425	FLOOD HAZARD THE SUBJECT TRACT IS NOT WITHIN THE 500	γ
ASSESSOR'S	S PARCEL No.	FLOOD PLAIN, ZONE X. FEMA FLOOD INSURA PANEL NO. 065074 0025B	
		SCHOOL	
PUBLIC UTII WATER	EMWD	MORENO VALLEY UNIFIED SCHOOL DISTRICT	
SEWER ELECTRICITY	EMWD S.C.E.	THOMAS BROTHERS GUIDE PAGE 717 G-7, 2006 EDITION	
GAS	THE GAS CO.	·····	
TELEPHONE CABLE	VERIZON TIME WARNER	NOTE	
		RECIPROCAL ACCESS AGREEMENTS REQUIRED ALL PARCELS OVER EXISTING DRIVEWAYS AND ACCESSES, EXCEPT AS SHOWN OTHERWISE.	
		TOPOGRAPHY	
		OBTAINED FROM AERIAL SURVEY CONDUCTED CANYON CONSULTING ON 113–2011.	BY



CASE NO. PA12-0007

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# PROJECT DATA

PROJECT LOCATION: SWC PERRIS BLVD AND JOHN F KENNEDY DR. MORENO VALLEY, RIVERSIDE COUNTY, CA JURISDICTIONAL AUTHORITY: CITY OF MORENO VALLEY APN: 485-081-034 ZONING: NC, NEIGHBORHOOD COMMERCIAL

# SITE DATA

TOTAL LOT AREA	297,950 SF	6.84 AC	
FAMILY DOLLAR LOT AREA	47,831 SF	1.10 AC	
REMAINING UNDEVELOPED LOT AREA	250.119 SF	5.74 AC	
FAMILY DOLLAR LOT AREA	47,831 SF	1.10 AC	100%
BUILDING COVERAGE	8,320 SF	0.19 AC	17.4%
LANDSCAPE COVERAGE	9,274 SF	0.21 AC	19.4%
PARKING AREA	30,237 SF	0.69 AC	63.2%

NOTE THAT THE AREA OF DISTURBANCE IS 42,776 SF (0.982 AC) DUE TO THE EXISTING SHARED ACCESS DRIVE AISLE BETWEEN CVS STORE AND OUR PROPOSED STORE.

## **BUILDING DATA**

FAMILY DOLLAR (GREEN BUILDING PROTOTYPE): 8,320 SF

PARKING DATA

TOTAL PARKING REQUIRED (1 SPACE/225 SF GLA) 37 TOTAL PARKING PROVIDED 37

## FEMA FLOOD ZONE:

#### MAP NO. 06065C0765G - 'ZONE-X' - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

## ZONING/LAND USE:

SITE IS CURRENTLY AN UNDEVELOPED LOT AND ZONED NC. NEIGHBORHOOD COMMERCIAL. THE PROPOSED USE WOULD FALL UNDER CONVENIENCE STORES (WITH OR WITHOUT DRIVE-THROUGH) AND IS PERMITTED WITHIN THIS ZONING.

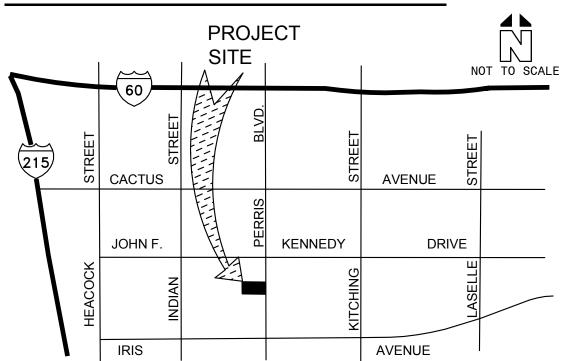
ZONING DESIGNATION OF ADJACENT PROPERTIES:

NORTH: NC, NEIGHBORHOOD COMMERCIAL NC, NEIGHBORHOOD COMMERCIAL / R20 RESIDENTIAL EAST: R-5, RESIDENTIAL SOUTH:

R-5, RESIDENTIAL WEST: REQUIRED BUILDING SETBACKS FROM RIGHT-OF-WAYS OR

ADJACENT PROPERTIES: FRONT: SIDE: REAR: CORNER: N/A

## VICINITY MAP:



# LEGAL DESCRIPTION:

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL "2" AS SHOWN ON THAT CERTAIN LOT LINE ADJUSTMENT NO. 961/ AND CERTIFICATE OF COMPLIANCE, AS EVIDENCED BY DOCUMENT RECORDED MAY 16, 2005, AS INSTRUMENT NO. 2005-0386304 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 123 OF TRACT NO. 19210, AS SHOWN BY MAP ON FILE IN BOOK 164 PAGES 49 TO 53 INCLUSIVE OF MAPS, RECORDS OF RIVERSIDE COUNTY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

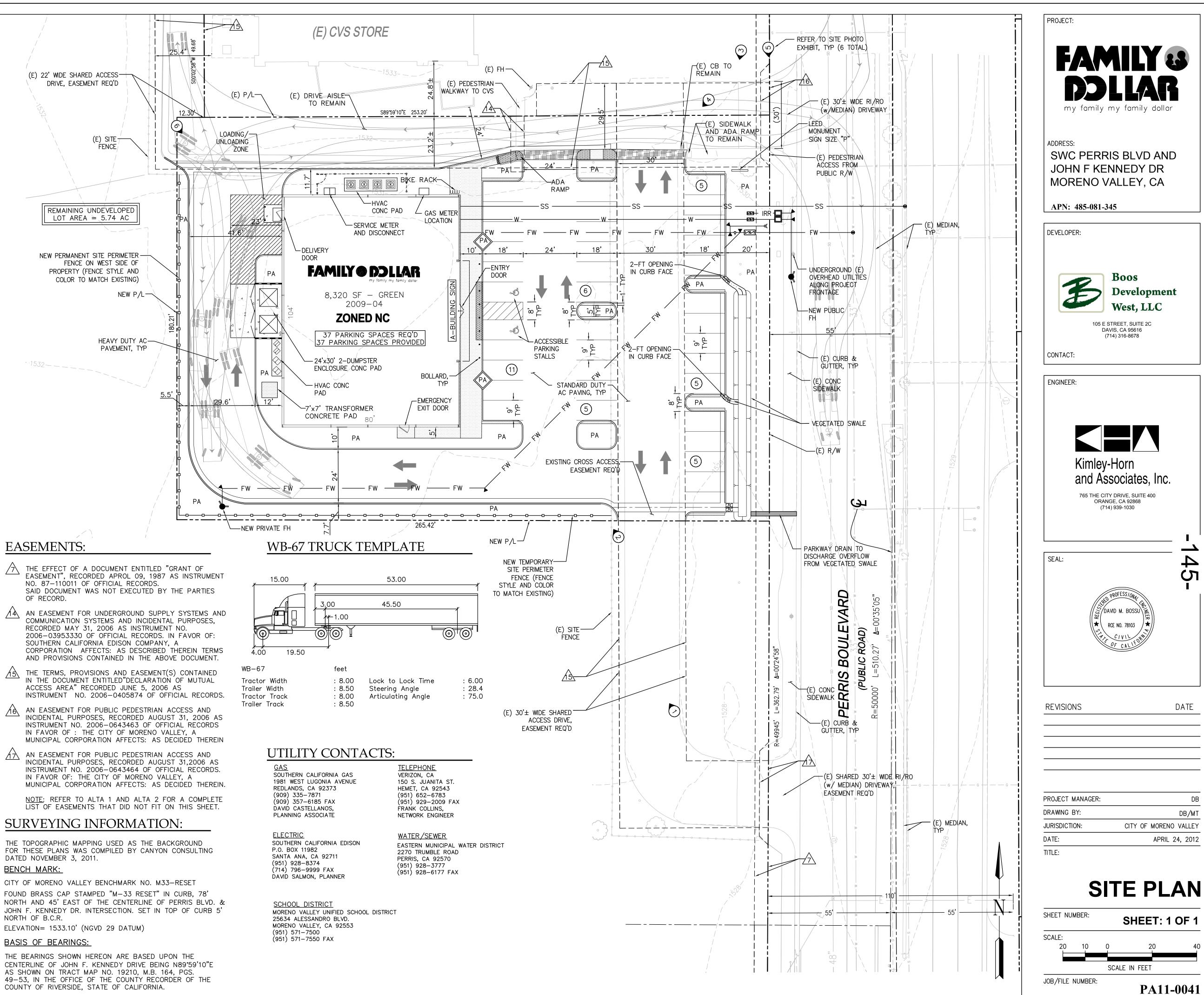
COMMENCING AT THE INTERSECTION OF THE CENTERLINES OF JOHN F. KENNEDY DRIVE (BEING 100.00 FEET IN WIDTH), AND PERRIS BOULEVARD (VARYING IN WIDTH), AS SHOWN ON PARCEL MAP NO. 25995-1, FILED IN BOOK 175, PAGES 16 AND 17, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID CENTERLINE OF JOHN F. KENNEDY DRIVE NORTH 89' 59' 10" WEST 554.45 FEET;

THENCE SOUTH 00° 37' 37" WEST 50.00 FEET TO THE SOUTH LINE OF JOHN F. KENNEDY DRIVE AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID SOUTH LINE SOUTH 89° 59' 10" EAST 264.42 FEET;

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THIS LEGAL DESCRIPTION DESCRIBES THE SAME PROPERTY AS INSURED IN THE TITLE COMMITMENT FROM FIRST AMERICAN TITLE INSURANCE COMPANY # NCS-493155-ONT1.



# **EASEMENTS**:

- <u>/17</u>

## SURVEYING INFORMATION:

DATED NOVEMBER 3, 2011.

NORTH OF B.C.R.

ELEVATION= 1533.10' (NGVD 29 DATUM)

## BASIS OF BEARINGS:

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.



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

- **Project Title:** PA12-0007 Tentative Tract Map 36449 1. 2. Lead Agency Name and Address: City of Moreno Valley 14177 Frederick Street Moreno Valley CA 92553 Contact Person and Phone Number: Julia Descoteaux 951-413-3209 3. **Project Location:** West of the southwest corner of Perris Boulevard and John F. 4. Kennedy Drive Assessor's Parcel Number 485-081-034. 5. Project Sponsor's Name and Address: Professors Fund IV LLC 990 Highland Drive Suite 204 Solana Beach CA 92075 6. General Plan Designation: Commercial 7. Zoning: Neighborhood Commercial
- 8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)

The applicant is processing a Tentative Parcel Map (36449) to subdivide 6.85 acres into 5 commercial lots. Each lot will meet and or exceed the minimum lot size and dimension for lots within the Neighborhood Commercial zone and have street access on either Perris Boulevard or John F. Kennedy Drive.

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

Properties to the north, south and west are zoned single family residential with exiting single family homes. To the east, the zoning includes Neighborhood Commercial on the corner of Perris Boulevard and John F. Kenney with Multi-family R15 and R20 to the south of the corner.

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

None

ATTACHMENT 6

#### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

Signature

Date

Julia Descoteaux
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, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described in (5) below, may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
  - (a) Earlier Analysis Used. Identify and state where they are available for review.
  - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS. Would the project:			1	V
a) Have a substantial adverse effect on a scenic vista?				Х
The site is generally flat. There will be no effect on a scenic vista.			1	V
b) Substantially damage scenic resources, including, but not limited to trees, rock				Х
outcroppings, and historic buildings within a state scenic highway?		. 1		
There are no historic buildings or rock outcroppings on the site. There are no existing	ing trees on the	e site and it i	s not on a sc	enic
highway.				
c) Substantially degrade the existing visual character or quality of the site and its				Х
surroundings?				
The site is currently vacant land. Land uses abutting the site include Neighborhood				
exiting single family homes. To the east is Neighborhood Commercial on the corner	er with an exis	ting retail ce	nter and mul	ti-family
apartments just south of the retail center.				
				1
The site, when developed, will be required to develop the site using the current desi				
required street improvements to ensure the project is consistent with the surroundin	g land uses an	d existing co		velopment.
d) Create a new source of substantial light or glare which would adversely affect			Х	
day or nighttime views in the area?				
As the site is currently vacant, the proposed development could add additional light				
outdoor lighting. All lighting for the project would be consistent with the City's M				he glare
restrictions adjacent to residential. Light shields and Municipal Code requirements				
II. AGRICULTURE RESOURCES: In determining whether impacts to agricult				
effects, lead agencies may refer to the California Agricultural Land Evaluation and				
California Department of Conservation as an optional model to use in assessing imp	pacts on agricu	ilture and far	rmland. Wou	uld the
project?		r	1	ſ
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide				Х
Importance (Farmland), as shown on the maps prepared pursuant to the Farmland				
Mapping and Monitoring Program of the California Resources Agency to non-				
agricultural use?				
The site is not designated as prime farmland on current maps. The site is currently		r	1	1
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				Х
There is no existing surrounding agricultural use or sites established under a William	mson Act cont	ract at this si	ite.	1
c) Involve other changes in the existing environment which, due to their location				Х
or nature, could result in conversion of Farmland, to non-agricultural use?				
There is no immediate surrounding agricultural use.				
III. AIR QUALITY: Where available, the significance criteria established by the a	applicable air o	quality mana	gement or ai	r pollution
control district may be relied upon to make the following determinations. Would the	ne project:		-	-
a) Conflict with or obstruct implementation of the applicable air quality plan?				Х
b) Violate any air quality standard or contribute substantially to an existing or				
				Х
projected air quality violation.				
			X	
			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for			X	
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			X	
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	Quality Manag	ement Distri		X
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)?			ict. The proj	X ect is
<ul> <li>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)?</li> <li>(a.through c.) The project is located within the jurisdiction of the South Coast Air (</li> </ul>	f the South Co	ast Air Qual	ict. The proj ity Managen	X ect is nent Plan.
<ul> <li>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)?</li> <li>(a.through c.) The project is located within the jurisdiction of the South Coast Air Consistent with the General Plan. The project would not obstruct implementation or precursors.</li> </ul>	f the South Co	ast Air Qual	ict. The proj ity Managen	X ect is nent Plan.
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<ul> <li>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)?</li> <li>(a.through c.) The project is located within the jurisdiction of the South Coast Air Consistent with the General Plan. The project would not obstruct implementation o The proposed project falls below the threshold of project size identified in the SCA for Land Uses.</li> <li>d) Expose sensitive receptors to substantial pollutant concentrations?</li> </ul>	f the South Co QMD Air Qua	ast Air Qual lity Handbo cople to these	ict. The proj ity Managen ok. Threshol	X ect is nent Plan. Id Levels X ons. The
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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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IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat				Х
modifications, on any species identified as a candidate, sensitive, or special status				28
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?				
There were no blue line streams or riparian vegetation noted on the site or any USGS	Mana ravia	ved The sit	a was free fr	om any
standing water. The parcel is considered an infill development project, with develop				
standing water. The parcer is considered an infin development project, with develop	ment occum	ng on and su	frounding tr	le site.
An deside has been not in the distribute of the incomposition of the side side	-11 C +			1. 1. 11
As the site has been previously disturbed with improvements on a portion of the site,			e required in	aividualiy
to conduct a 30 day pre-construction survey for Burrowing Owl prior to any disturba	nce of the sit	e.	1	
b) Have a substantially adverse effect on any riparian habitat or other sensitive				Х
natural community identified in local or regional plans, policies, regulations or by				
the California Department of Fish and Game or U. S. Wildlife Service?				
Based on the site visit, no major riparian habitat or other sensitive community was for				
water or condensed riparian vegetation that could warrant a habitat area for sensitive			t is not antic	ipated that
the proposed parcel map would have a substantially adverse effect on existing land u	se conditions	s on the site.		
c) Have a substantial adverse effect on federally protected wetlands as defined by				Х
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?				
The proposed project will not conflict with any General Plan or local policies pertain	ing to the pro	otection of bi	iological res	ources.
The proposed project is consistent with the goals and objectives of the General Plan				
designation. There are no federally protected wetland areas such as marsh or vernal				
d) Interfere substantially with the movement of any resident or migratory fish or				Х
wildlife species or with established native resident migratory wildlife corridors, or				
impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources,				X
such as a tree preservation policy or ordinance?				Λ
(d. and e.) The proposed project will not conflict with any General Plan or local police	l Jacon antoinin	a to the prot	action of his	lagiaal
resources. The project site is an infill location well removed from hillsides and the S				
local biological resources preservation programs. The project site is an infill location				onsistent
with the goals and objectives of the General Plan and the Municipal Code related to the second secon	ine commerc	lai land use c		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural			Х	
Conservation Community Plan, or other approved local, regional, or state habitat				
conservation plan?				
The proposed project will not conflict with the Stephen's Kangaroo Rat Habitat Con-				
protection of biological resources or any other known local, regional or state habitat				
SKR Habitat plan will require a fee of \$500.00 per acre to be paid by the developer t	o assist in set	ting aside es	tablished pr	otection
areas for said habitat.				
The project site is within the plan area for the Western Riverside Multiple Species H				
is outside the plan Criteria Area, does not support riparian resources and is not within				
plan for narrow endemic plants, small mammals or amphibians. The proposed projection				
Multi-species plan that was recently adopted. Multi-species mitigation fees will also	be in affect	and collected	l prior to bu	ilding
permit issuance and support existing MSHCP conservation and management program	ns.			
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as				Х
defined in Section 15064.5?				
b) Cause a substantial adverse change in the significance of archaeological				X
				Δ
resources pursuant to Section 15064 59				X
resources pursuant to Section 15064.5?				
c) Directly or indirectly destroy a unique paleontological resource or site or unique				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	CMar X	11		
<ul><li>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</li><li>(a.through c.) Based on the review of the Cultural Resources Inventory for the City of the</li></ul>				re are no
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				re are no

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal				Х
cemeteries? There is no known location of archaeological resources or human remains on the future development proposed for the site would be the requirement of work on the remains are found on the site.	e site. The site project to	standard cond be terminated	ition of approved in the event	oval of any that human
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including th (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.	e risk of loss	, injury or dea	th involving:	X
The site is not within an Alquist-Priolo zone or other designated vault hazard zone.			•	
(ii) Strong seismic ground shaking?			Х	
The nearest fault system is the San Jacinto fault system, which lies over 3 miles end 25 miles from the site. The active sierra Madre and San Gabriel fault zones lie rou of the site. The active Elsinore and Newport-Inglewood fault zones lie approximation of the site. This faulting is not considered a significant constraint to development of (iii) Seismic-related ground failure, including liquefaction? It is anticipated that there will be a low chance of significant impact from surface failure.	ighly 35 and ately 20 and on the site wi	40 miles resp 45 miles resp th use of deve	ectively to the ectively to the ectively to the lopment code	e northwest e southwest es. X
(iv) Landslides?				Х
Since the site is generally flat, there is no potential hazard related to landslides.				Λ
(b) Result in substantial soil erosion or the loss of topsoil?			X	
In the construction phase of development, exposed soils on the project site may I wind and rain. Established regulatory programs of the South Coast Air Quality M Regional Water Quality Control Board require implementation of known best mar will be addressed as part of standard construction of any proposed project, wir sandbagging, if required, during rainy periods. The Stormwater Pollution Preve regulations details the applicable measure, the location of the application, and the control plans are implemented during construction and that erosion impact during completed, the buildings, paving, landscaping and any water quality basins the presenting negligible potential for soil erosion.	anagement I nagement pra th such meas ntion Plan re e responsibili project const	District (SCAC actices during sures as wate equired for co ty for monitor ruction are les	(MD) and the construction. ring to reduct mpliance witt ring and main st han signifi ill establish	e California This issue ce dust and h RWQCB ntenance of cant. Once
(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	
(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?			Х	
(c.through d.) According to the information developed as part of the City's Generation any unstable geologic or soil conditions. Standard building code requirements stability hazards and engineering design to address any identified stability issues. issuance, and building inspection ensure incorporation of engineering recommendation.	establish sta Established	ndards for inv City procedure	estigation of	potentially
(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?				Х
The proposed project will be served by the regional sewer system serviced by Eastern Municipal Water District.				
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?				Х
The project is not expected to change existing traffic and therefore greenhouse gas construction, greenhouse gas will result primarily from fuel used in construction eco Coast Air Quality Management District thresholds.				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose or reducing the emissions of greenhouse gases?				Х
The proposed project would not conflict with an applicable plan, policy or regulati emissions of greenhouse gases. The City does not currently have an adopted plan. VIII. HAZARDS <b>AND HAZARDOUS MATERIALS.</b> Would the project?	ion adopted f	or the purpose	of reducing	the
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	;			X
<ul><li>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</li></ul>	1			X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				Х
(a.through c.) The proposed tentative parcel map will not involve the routine tran proposed project will not create a significant hazard to the public or the environm of hazardous materials. Since the project will not involve the routine transport, u be the potential for significant hazard to the public or environment.	ent through t	he routine trar	nsport, or use	or disposal ere will not
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?				Х
The site is not located on a list of hazardous material sites compiled pursuant to Go	overnment C	ode Section 65	962.54.	
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
The site is not within an airport land use plan.				
f) For a project within the vicinity of a private airstrip, would the project result in safety hazard for people residing or working in the project area?	a			X
There are no private airstrips within the City of Moreno Valley. g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
<ul> <li>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?</li> </ul>	s			X
(g and h) The proposed project would not have any direct effect on an adopted e plan. The City has an adopted Hazardous Waste Management Plan (January 1 emergency response pertaining to hazardous materials. The City's emergency pla the proposed project is consistent with the General Plan, the proposed project wou response or emergency evacuation plans.	1991) as part ans are also c	of its Genera onsistent with	ll Plan, whic the General	h addresses Plan. Since
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
<ul><li>a) Violate any water quality standards or waste discharge requirements?</li><li>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a</li></ul>				X X
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)?				
(a and b) The project will have a negligible effect on groundwater supply. The f through the construction of hardscape, and structures.	uture project	s will create m	nore impervi	ous surfaces
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
The project will not substantially alter the existing drainage pattern of the site or a erosion or siltation on or off-site. The site is outside of the 500 year flood p Management Practices and participate in water quality designs as required for deve	olain. The p			
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase				Х

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
the rate or surface runoff in a manner which would result in flooding on- or off site?				
The project will not substantially alter the existing drainage pattern of the site or a erosion or siltation on or off-site. The site is outside the 500-year flood plain.	area in a mai	nner, which w	ould result in	substantial
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?				Х
<ul> <li>f) Otherwise substantially degrade water quality?</li> <li>(e. through f.) The proposed tentative parcel map is consistent with the General planned stormwater drainage systems and will not exceed the capacity of existing additional sources of polluted runoff or otherwise substantially degrade water quality</li> </ul>	or planned st			
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?				Х
The proposed tentative parcel is not within the 100-year flood plain. The Federa that the site is in flood zone X which is defined as outside the 500-year flood plan. will not be developed with housing.				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				Х
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
maps indicate that the site is in flood zone X which is defined as outside the 500-y is an in-fill project which will not expose people or structures to a significant p including flooding as a result of failure of a levee, or dam.project. j) Inundation by seiche, tsunami, or mudflow? The site is not identified in the General Plan as a location subject to seiche, or mud	risk of loss			
<ul><li>X. LAND USE AND PLANNING. Would the project:</li><li>a) Physically divide an established community?</li></ul>			1	X
The parcel includes 6.85 acres within the Neighborhood Commercial zone. The commercial purposes. The future project will not physically divide an established		oject will be s	ubdivided in	
<ul> <li>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?</li> </ul>				X
The project lies immediately adjacent to Perris Boulevard and John F. Kennedy D the general vicinity. The project is consistent with the City's General Plan and the not cause conflict with an applicable land use or policy.	Prive with a reprint the prive with a reprive with a rep	nixture of reta od Commercia	il and resider al zone. The	ntial uses in project will
<ul> <li>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</li> <li>The project is not within a reserve area established under the Stephen's Kangaroo not conflict with the SKR Habitat Plan. All future parcels will pay the requiprotection areas for said habitat.</li> </ul>				
The project site is outside the plan MSHCP Criteria Area, does not support riparia designated under the plan for narrow endemic plants, small mammals or amphibia for the Burrowing Owl and future development projects will be required to con prior to obtaining grading permit and pay the MSHCP fee as established by Ordina	ans. The pro duct a 30-da	ject is in conf	ormance with	n provisions
XI. MINERAL <b>RESOURCES.</b> 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?				Х
<ul><li>There are no known mineral resources on the site.</li><li>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</li></ul>				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
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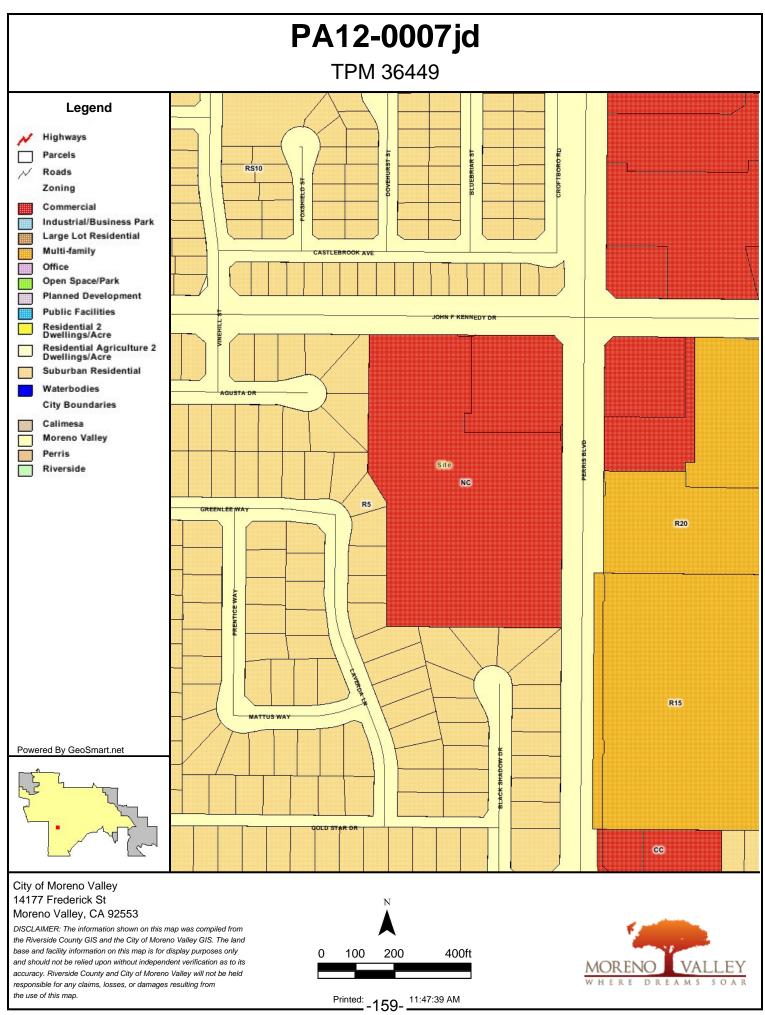
There are no known mineral resources on the site. There are no locally important m	nineral resour	ce recovery	sites in prox	imity to the
site.				
XII. NOISE. Would the project result in:			37	
a) Exposure of persons to or generation of noise levels in excess of standards			Х	
established in the local general plan or noise ordinance, or applicable standards of				
other agencies?				
b) Exposure of persons to or generation of excessive groundborne vibration or			Х	
groundborne noise levels?				
c) A substantial permanent increase in ambient noise levels in the project vicinity			Х	
above levels existing without the project?				
(a.through c.) The proposed parcel map will not directly result in any noise imp				
property, the potential exists for an increase in noise levels: however, there will be no				
levels with the proposed project. The potential would exist for both short and lo				evels in the
project vicinity. Based on performance standards within the Municipal Code, the use	e will not exc	eed a 55 DB	A level.	
d) A substantially temporary or periodic increase in ambient noise levels in the			Х	
project vicinity above levels existing without the project?				
During future construction, there will be limited noise from construction equipment	nt. The City	has standard	conditions	of approval
regarding the public nuisance aspect of the construction activities. The construction	on operations	including bu	uilding relate	ed activities
and deliveries shall be restricted to Monday through Friday from 6:00am to 8:00P, of	excluding hol	lidays, and fr	om 7:00AM	to 8:00PM
on weekends and holidays. As a result, no significant impacts would occur.				
e) For a project located within an airport land use plan, or, where such a plan has				Х
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?				
The project is not located within an airport land use plan. The project is not within the	he 65 CNEL	of March Air	r Reserve Ba	.se.
f) For a project within the vicinity of a private airstrip, would the project expose				Х
people residing or working in the project area to excessive noise levels?				
There are no private airstrips in Moreno Valley.				1
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by				Х
proposing new homes and businesses) or indirectly (for example, through				21
extension of roads or other infrastructure)?				
The proposed commercial tentative parcel map would not induce substantial populat	ion growth			
b) Displace substantial numbers of existing housing, necessitating the construction				Х
of replacement housing elsewhere?				Λ
The project will not displace any existing housing.				
<ul><li>c) Displace substantial numbers of people, necessitating the construction of</li></ul>				Х
replacement housing elsewhere?				л
		-		
The project will not displace any people.	1 :		( <u>1 </u>	<u> </u>
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical				
physically altered government facilities, need for new or physically altered govern				
cause significant environmental impacts, in order to maintain acceptable service	e ratios, res	sponse times	or other p	erformance
objectives for any of the public services:			V	
a) Fire protection?		-	X	
b) Police protection?			X	
c) Schools?			Х	
d) Parks?	-		Х	
e) Other public facilities?			Х	
(a.through e.) There will be an incremental increase in the demand for new or alter	ed public ser	vices includi	ng library, ci	ty hall, and
city yard facilities. These facilities would be needed with or without the project.				
XV. RECREATION.		ļ		
a) Would the project increase the use of existing neighborhood or regional parks				Х
or other recreational facilities such that substantial physical deterioration of the				
facility would occur or be accelerated?				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project would not have a direct effect on neighborhood or regional parks as it required to pay Development Impact Fees.	is a commerc	cial parcel m	ap. The pro	ject will be
<ul><li>b) Does the project include recreational facilities or require the construction or</li></ul>				X
expansion of recreational facilities which might have an adverse physical effect on				л
the environment?				
The project would not be required to construct or expand recreational facilities.	1		1	
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of			Х	
effectiveness for the performance of the circulation system, taking into account all				
modes of transportation including mass transit and non-motorized travel and				
relevant components of the circulation system, including but not limited to				
intersections, streets, highways and freeways, pedestrian and bicycle paths, and				
mass transit?				
The proposed project is consistent with existing General Plan and zoning. The increase	ase in traffic	will be consi	istent with th	e capacity
of the street system.	-			
b) Conflict with an applicable congestion management program, including, but not				Х
limited to level of service standards and travel demand measures, or other				
standards established by the county congestion management agency for designated				
roads or highways?				
The proposed plot plan is consistent with the General Plan. The project will not exce	ed a level of	service esta	blished by ar	n adopted
regional congestion management plan.			2	1
c) Result in a change in air traffic patterns, including either an increase in traffic				X
levels or a change in location that results in substantial safety risks?				
The proposed project would ultimately develop approximately 6.85 acres of vacant la	and The pro	piect site is no	ot located in	around or
under any airport or airport fly-zone. Therefore, no impacts would result in air traffic	1		ot focuted in,	urouna or
d) Substantially increase hazards to a design feature (e.g., sharp curves or				Х
dangerous intersections) or incompatible uses (e.g. farm equipment)?				<b>A</b>
As designed, the project will not result in hazards. The project is not adjacent to any	notential inc	ompatible up		
	potential life	ompatible us	505.	X
e) Result in inadequate emergency access?	1			Λ
The project as designed is consistent with City standards. The site will be readily ac	cessible for e	mergency ac	cess.	N/
f) Conflict with adopted policies or programs regarding public transit, bicycle, or				Х
pedestrian facilities, or otherwise decrease the performance or safety of such				
facilities?				
The project will not conflict with any adopted policies or programs. The future	projects will	provide ped	lestrian acce	ss from the
public sidewalk and provide bicycle racks.				
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:	1	1	T	
a) Exceed wastewater treatment requirements of the applicable Regional Water				Х
Quality Control Board?				
b) Require or result in construction of new water or wastewater treatment facilities				Х
or expansion of existing facilities, the construction of which could cause significant				
environmental effects?				
c) Require or result in the construction of new storm water drainage facilities or				X
expansion of existing facilities, the construction of which could cause significant				
environmental effects?				
d) Have sufficient water supplies available to serve the project from existing				Х
entitlements and resources, or are new or expanded entitlements needed?				
e) Result in a determination by the wastewater treatment provider which serves or				Х
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?				
(a. through e.) The proposed plot plan is consistent with the General Plan, and there	efore will no	t exceed was	stewater requ	irements of
the Regional Water Quality Control Board. Since the project is consistent with the				
result in construction of new water or wastewater treatment facilities or expansion				
construction of new storm water drainage facilities, or expansion of existing facilities			require of 1	-sait in the
(f)) Be served by a landfill with sufficient permitted capacity to accommodate the				Х
project's solid waste disposal needs?				Λ
project s sona waste disposar needs:	1			

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The needs of the project for solid waste capacity would be negligible. The proposed similar to the commercial uses in the vicinity. The project will be served by a la capacity to accommodate the project's solid waste disposal needs per the City's EIR	andfill in the	Badlands w	vith sufficient	nt permitted
g) Comply with federal, state, and local statues and regulations related to solid waste?				X
The City is complying with State and Federal regulation regarding solid waste. All fregarding solid waste.	future project	s will compl	y with curre	nt policies
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?			Х	
The project would not significantly degrade the quality of the environment or reduction fish or wildlife population to drop below self-sustaining levels, threaten to eliminate or restrict the range of a rare or endangered plant or animal or eliminate important exports prehistory. There are no historic structures on the site and there will be no impact Study demonstrates that project and cumulative impacts would be less than significantly defined to the site on human beings.	a plant or an camples of the t to historic p	imal commu e major perio resources. T	nity, reduce ods of Califo he analysis	the number ornia history in the Initial
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	
The project will not create any impacts that when viewed in connection with existing existing land use designations, would be considered cumulatively considerable. It result in incremental effects. The analysis in the Initial Study demonstrates that th less than significant	is not expec	ted that the	proposed pr lative impac	oject would
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			Х	
The proposed tentative parcel map is consistent with the General Plan and zoning for adverse effects on human beings, either directly or indirectly.	r the site. Th	e project wil	l not cause s	substantial

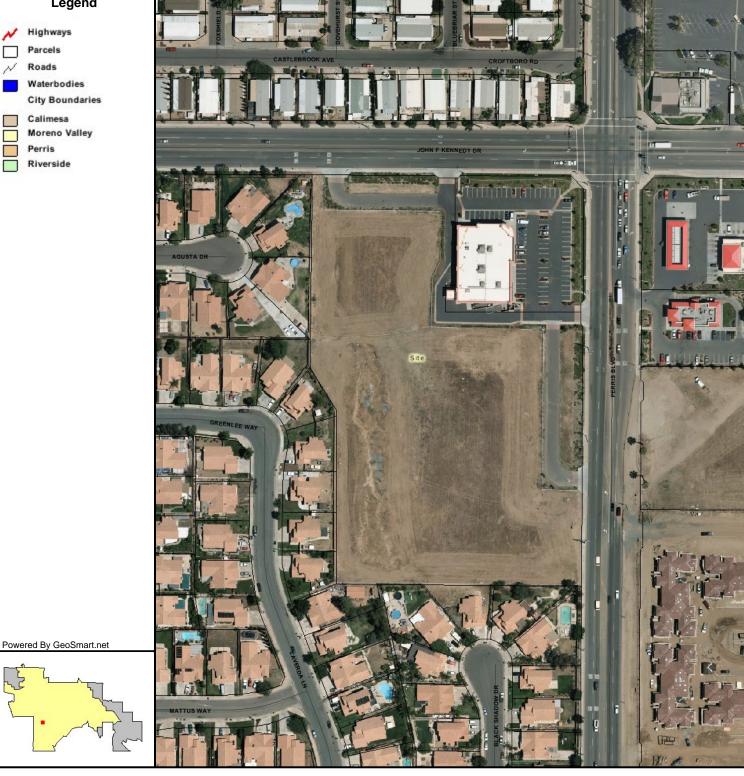


ATTACHMENT 7

## PA12-0007jd TPM 36449

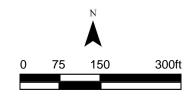
#### Legend





#### City of Moreno Valley 14177 Frederick St Moreno Valley, CA 92553

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





Printed: -161- 11:55:04 AM ATTACHMENT 8



### PLANNING COMMISSION STAFF REPORT

Case:	PA12-0002 (Conditional Use Permit)
Date:	May 10, 2012
Applicant:	Michel Knight
Representative:	Michel Knight
Location:	Universal Strike Bowling Alley 23750 Alessandro Boulevard Suite K
Proposal:	A Conditional Use Permit to expand the use of the existing bowling alley to include an arcade area. The bowling center will include a 20 lane bowling alley, arcade games, billiard tables, skating rink, banquet room, sports area, and a food and beverage service area serving beer and wine.
Redevelopment Area:	Yes
Recommendation:	Approval

#### SUMMARY

The applicant, Michel Knight has submitted a Conditional Use Permit to expand the use of the existing bowling alley to include an arcade. The site is zoned Neighborhood Commercial.

#### **PROJECT DESCRIPTION**

#### Project

The Conditional Use Permit application proposes to expand the existing bowling alley use to include an arcade area. A Conditional Use Permit is required for an arcade when the use is within 300 feet of residential.

The proposed modifications to the existing bowling alley include the reduction of bowling lanes from 38 to 20. The propose modification will provide the space for the arcade area and a dining area. Additional uses within the facility can include a remote control car area, banquet room, billiards, skating rink area, sports area and a food and beverage area.

The applicant proposes to operate the entertainment center Sunday through Thursday from 9am until 12am and Friday through Saturday 9am until 1:30am. The applicant recently leased the facility and is currently working on improvements to reopen. The applicant is not associated with any past tenant of the facility.

The Moreno Valley Police Department reviewed the project and did not have any concerns regarding the operations. Several conditions of approval have been included which require the owner to maintain a relationship with the Police Department. Additionally, if any issues arise from the operation of the business, the operator may be required to provide additional security, both inside the facility and/or within the shopping center as determined by the Police Chief.

The project satisfies the findings for approval of a Conditional Use Permit as stated in the resolution attached to this report.

#### <u>Site</u>

The site is within the existing shopping center which is zoned Neighborhood Commercial.

#### Surrounding Area

Properties to the north are existing single family residential. To the east and west is Neighborhood Commercial within the existing retail shopping center. Properties to the south include undeveloped Business Park and developed Community Commercial to the southwest.

#### Access/Parking

The project will use the existing shopping center parking. The site includes adequate parking for the expanded uses, as designed with the original bowling alley.

#### <u>Design</u>

The project has been reviewed and the design of the existing building conforms to the standards of the City's Municipal Code for development within the Neighborhood Commercial zone.

Minor exterior modification may be required to accommodate required ADA access. Any modifications will be reviewed by Planning through the Building and Safety plan check process for consistency with the approved existing building.

#### Planning Commission Staff Report Page 3

#### REVIEW PROCESS

As the project will occur within an existing structure, the project was review by planning staff for consistency with the Municipal Code and routed to the Fire Prevention Division, the Building and Safety Division and the Moreno Valley Police Department.

#### ENVIRONMENTAL

The project will not have a significant effect on the environment because it will occur within an existing structure and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), as a minor alteration to an existing facility, Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 (Existing Facilities).

#### **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**

Due to the location and type of project, namely a developed site, a transmittal was not sent to outside agencies.

#### STAFF RECOMMENDATION

That the Planning Commission **APPROVE** Resolution No. 2012-08 and thereby:

1. **RECOGNIZE** that PA12-0002, a Conditional Use Permit qualifies as an exemption in accordance with CEQA Guidelines, Section 15301 (Existing Facilities); and

2. **APPROVE** PA12-0002, a Conditional Use Permit, subject to the attached conditions of approval included as Exhibit A.

Prepared by:

Approved by:

Julia Descoteaux Associate Planner John C. Terell, AICP Planning Official

ATTACHMENTS:

- 1. Public Hearing Notice
- 2. Planning Commission Resolution No. 2012-08 Conditions of Approval
- 3. Zoning Map
- 4. Ortho Map
- 5. Site Plan



# 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: PA	12-0002 (Conditional Use Permit)
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APPLICANT: Michel Knight

OWNER: Tripeak

REPRESENTATIVE: Michel Knight

LOCATION: 23750 Alessandro Boulevard, Suite K (APN: 296-280-016)

**PROPOSAL:** A Conditional Use Permit to expand the use of the existing bowling alley to include an arcade area. The bowling center will include a 20 lane bowling alley, arcade games, billiard tables, skating rink, banquet room, sports area, and a food and beverage service area serving beer and wine.

**ENVIRONMENTAL DETERMINATION:** The project will not have a significant effect on the environment because it will occur within an existing structure and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), as a minor alteration to an existing facility, Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 (Existing Facilities).

#### COUNCIL DISTRICT: 5

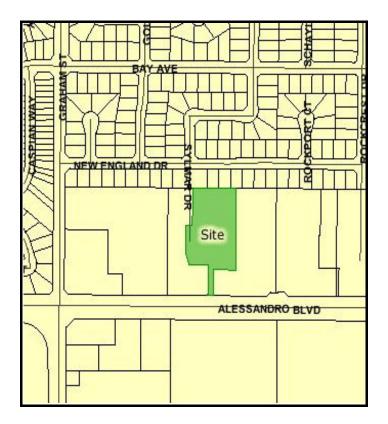
#### STAFF RECOMMENDATION: Approval

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

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

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

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



## LOCATION N A PLANNING COMMISSION HEARING

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

#### DATE AND TIME: May 10, 2012 at 7 PM

#### **CONTACT PLANNER: Julia Descoteaux**

PHONE: (951) 413-3209



#### PLANNING COMMISSION RESOLUTION NO. 2012-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA12-0002, A CONDITIONAL USE PERMIT FOR AN EXPANSION TO THE EXISTING BOWLING ALLEY TO INCLUDE AN ARCADE USE. ADDITIONAL ACTIVITES INCLUDE A REMOTE CONTROL CAR AREA, DINING, SPORTS AREA, BANQUET FACILITIES, BILLARDS, SKATING AREA AND A FOOD AND BEVERAGE CONCESSION WITH BEER AND WINE, TO BE LOCATED WITHIN THE EXISTING SHOPPING CENTER LOCATED AT 23750 ALESSANDRO BOULEVARD SUITE K.

**WHEREAS,** Michel Knight, has filed an application for the approval of PA12-0002, a Conditional Use Permit for an arcade area as described in the title of this Resolution.

**WHEREAS,** on May 10, 2012, 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 May 10, 2012 including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

#### ATTACHMENT 2

1

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

**FACT:** With the approval of a Conditional Use Permit, the use and the location of the existing bowling alley with the new arcade area is consistent with the General Plan. The project is in an existing retail shopping center in the Neighborhood Commercial zone. As designed and conditioned, the proposed facility will be compatible with the goals, objectives, policies, and programs established within the General Plan and future developments, which may occur within the immediate area.

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

**FACT:** With the approval of a Conditional Use Permit and as designed and conditioned, the proposed bowling alley with the arcade will comply with the Neighborhood Commercial zone and the City's Municipal Code.

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

**FACT:** The proposed Conditional Use Permit PA12-0002 will not have a significant effect on the environment because it involves a use within an existing structure and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) as a minor alteration to an existing facility, Class 1 Categorical Exemption, CEQA Guidelines, Section 15301 for Existing Facilities

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 located in an existing neighborhood commercial shopping center. There will be no changes to the exterior of the buildings except for possible minor modifications to exits to meet ADA requirements. As designed and conditioned, the project will be compatible with existing and planned uses in the vicinity. The bowling alley will operate with varied hours as conditioned. The sale of beer and wine will require an approval from the Alcohol and Beverage Control and any food preparation will be subject to rules and approvals from the Riverside County Health Department.

**BE IT FURTHER RESOLV ED** that the Planning Commission **HEREBY APPROVES** Resolution No. 2012-08, recognizing that this item will not have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), as a minor alteration to an existing facility, Class 1 Categorical Exemption, CEQA Guidelines, Section 15301, and approving Conditional Use Permit PA12-0002, subject to the attached conditions of approval included as Exhibit A.

**APPROVED** this 10<sup>th</sup> day of May, 2012.

Ray L. 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 PA12-0002 APN: 296-280-016 23750 ALESSANDRO BOULEVARD SUITE K APPROVAL DATE: 10, 2012 May **EXPIRATION DATE:** 10, 2015 May Planning (P), Building (B) <u>X</u> Fire Prevention Bureau (F) Х Police (PD)

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

#### COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

#### **Planning Division**

#### For guestions 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 threeyear period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
- P2. In the event the use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. (MC 9.02.260)
- 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)

#### Exhibit A

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

R - Map Recordation WP - Water Improvement Plans BP - Building Permits

GP - Grading Permits

CO - Certificate of Occupancy or building final P - Any permit

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

GP - General Plan Ord - Ordinance **Res - Resolution** 

MC - Municipal Code DG - Design Guidelines UFC - Uniform Fire Code SBM - Subdivision M \_172-

CEQA - California Environmental Quality Act Ldscp - Landscape Development Guidelines and Specs UBC - Uniform Building Code

- 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. Any existing non-permitted signs shall be removed prior to issuance of any Certificate of Occupancy for the building.(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 project is a Conditional Use Permit to expand the use of the existing boking alley to include an arcade area. The bowling center will include a 20 lane bowling alley, arcade games, billiard tables, skating rink and/or radio control car area, banquet room, sports area, and a food and beverage service area serving beer and wine per the approved site plan. A change or modification shall require separate approval. For a Conditional U se Permit, violation may result in revocation in the case of a Conditional U se Permit. A current Certificate of Occupancy and Business License are required at all times.
- P9. This approval will allow the live entertainment which for this use is defined as karaoke or a DJ with dancing in the banquet room only. No live bands or live entertainment.
- P10. Prepared food and alcoholic drinks w ill be allow ed pending approval from Riverside County Health Department and the Alcohol Beverage Control (ABC).
- P11. Business hours shall be Sundaythrough Thursday 9AM to Midnight (12AM) and Friday and Saturday 9AM to 1:30AM.

- P12. The owner or ow ner's representative shall establish and maintain a relationship with the City of Moreno Valley and cooperate with the Problem Oriented Policing (POP) program, or its successors.
- P13. The Police Chief may require the business owner to provide security within the facility and/or the shopping center parking lot to address issues that arise from the operation of the business.
- P14. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards of a minimum of one (1) foot candle and a maximum of eight (8) foot candle.
- P15. No Adult Entertainment allowed. (MC 9.09.030)
- P16. Any exterior building modification required for ADA purposes will be reviewed by the Planning Division through the Building and Safety plan check process. All proposed modifications are required to be consistent with the existing structure in design and materials.

#### Building & Safety Division

- B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall be submitted to the <u>Building Department as a separate submittal</u>. 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.

#### PLANNING DIVISION CONDITIONS OF APPROVAL PA12-0002 PAGE 4

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.

#### POLICE DEPARTMENT

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

#### **Standard Conditions**

- PD1. (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)
- PD2. Addresses needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient.
- PD3. All exterior doors in the rear and the front of the buildings need an address or suite number on them.
- PD4. All rear exterior doors should have an overhead low sodium light or a light comparable to the same.
- PD5. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building. The parking lots should have adequate lighting to insure a safe environment for customers and or employees.

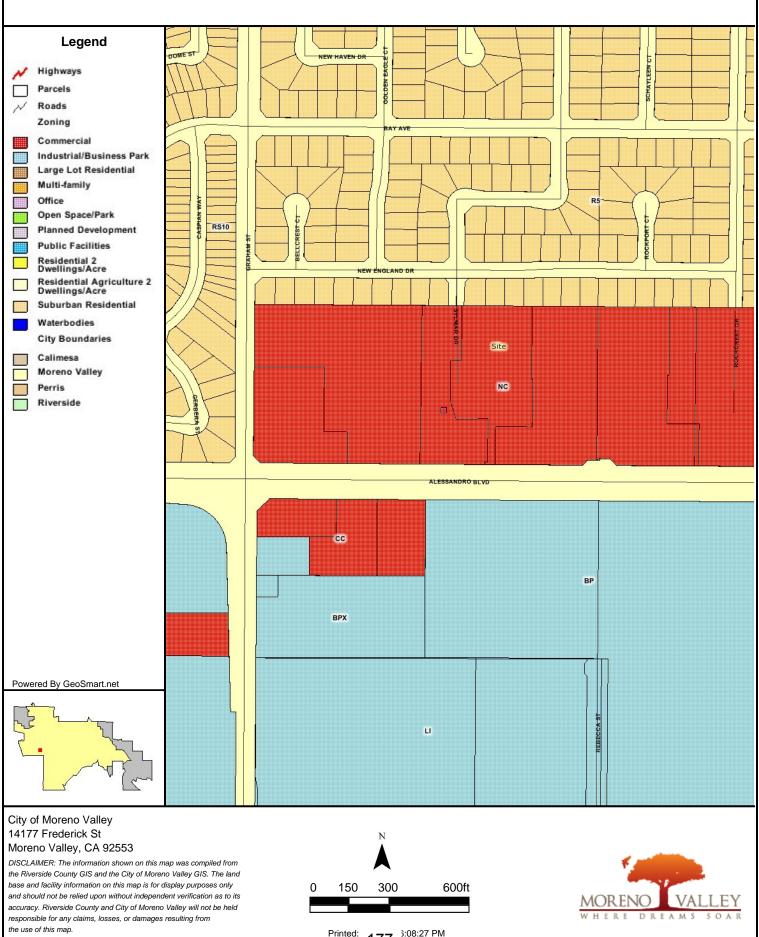
#### FIRE PREVENTION BUREAU

#### 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. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial</u> <u>buildings</u> 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)
- F3. 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)
- F4. 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. (CFC 506.1)
- F5. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or commercial cooking 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.

# PA12-0002jd



ATTACHMENT 3

# PA125-0002jd





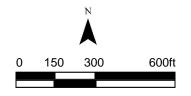


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#### City of Moreno Valley 14177 Frederick St Moreno Valley, CA 92553

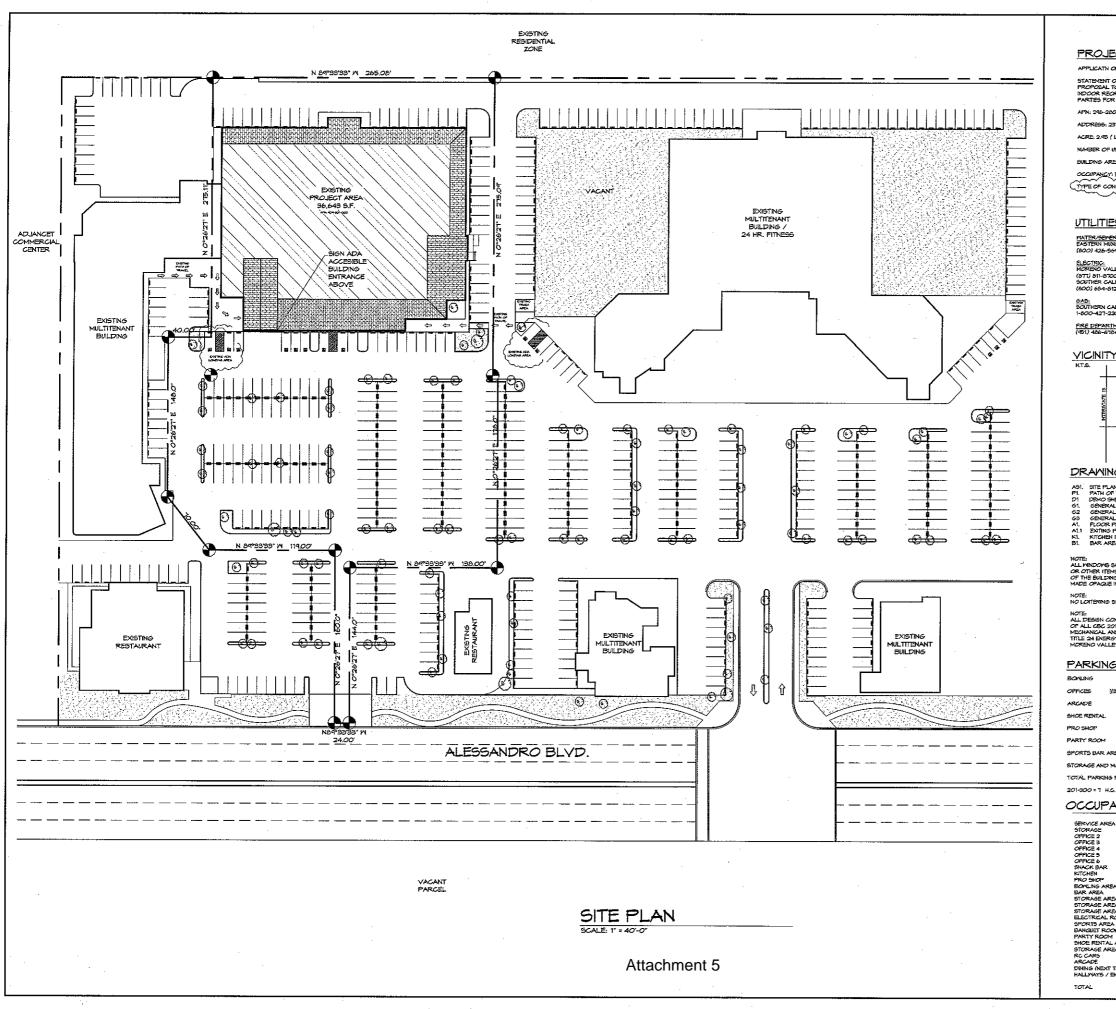
DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County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





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ATTACHMENT 4



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# PLANNING COMMISSION STAFF REPORT

Case:	PA12-0008 – Municipal Code Amendment
Date:	May 10, 2012
Applicant:	Contractors Permit Services
Representative:	Cummings Signs
Location:	Citywide
Proposal:	Municipal Code Amendment to revise portions of the City's sign code in Section 9.12.060.D to allow for increased sign copy area and height for drive-through restaurant menu boards.
Recommendation:	Approval

# SUMMARY

PA12-0008 is an application to amend the Municipal Code by modifying the standards for drive-through restaurant menu boards to allow for increased sign copy area and height for consistency with the sign regulations of other jurisdictions and current market practices for drive-through restaurants.

# Planning Commission Staff Report Page 2

# PROJECT DESCRIPTION

The applicant, Contractors Permit Services, has submitted application PA12-0008 for a Municipal Code Amendment. Staff has reviewed the application and proposes the following changes to the City's sign code in Section 9.12.060.D, as described in the title of this resolution and the attached Exhibit A:

- Increased sign copy area for drive-through restaurant menu boards from 36 square feet to 48 square feet or a maximum of 64 square feet for a single menu board; and
- Increased height for drive-through restaurant menu boards from six feet to eight feet inclusive of the base.

# Background

Under a separate application (P11-0401), the applicant, representing the owner of a new Taco Bell restaurant located at 22585 Alessandro Boulevard, recently requested a menu board that included an illuminated logo on top of the menu board and exceeded the City's current sign regulations in sign copy area and in height. The City was unable to approve the sign as proposed and the applicant revised the sign for consistency with the City's Municipal Code.

Therefore, the applicant is seeking a Municipal Code Amendment on behalf of the owner of the new Taco Bell restaurant noted above.

#### Applicant Requested Changes

The applicant's request with this application included changes to the Municipal Code to allow for increased copy area and increased height for menu boards. The applicant also requested a change that would allow for installation of illuminated company logos on the menu board.

Based on conversations with Grover Moss, the owner of the Taco Bell, the larger/taller menu board and the inclusion of the company logo is preferred as it is more consistent with Taco Bell corporate preferences and more consistent with menu boards at other Taco Bell locations and other drive-though restaurants in Moreno Valley and in the region.

Please see Attachment 6 for the applicant's explanation of the requested changes. For reference, the recently approved menu board plans are included as Attachment 3. Attachments 4 and 5 are the preferred menu board plans and a sample photo of the preferred menu board. Attachment 7 includes sample photographs and information for existing menu boards in Moreno Valley and Murrieta.

# Planning Commission Staff Report Page 3

The applicant provided a survey of the sign codes for several area jurisdictions (San Bernardino, Riverside, Beaumont, Corona, and Murrieta). Copy area for menu boards in the City of Moreno Valley's current sign code appears to be less than what is allowed in other cities.

# **REVIEW PROCESS**

Planning staff has reviewed the requested changes and based on information provided by the applicant for other jurisdictions and verified by checking those cities' website information. Based on that review, the request for increased copy area and height appears to be reasonable.

However, staff had concerns with allowing the use of a company logo on the menu board. This is a design preference that is sometimes included on sign packages submitted for fast food restaurants, service stations and convenience stores.

Under the City's sign code, logos are permitted when incorporated into the design of a wall sign, monument sign or freeway sign, but not permitted in isolation, since that would constitute additional advertising signs. The City's sign code does not permit signs or logos to be installed on menu boards, fuel pumps, directional signs, or other informational signs not intended to advertise or attract attention to the business

Planning staff has reviewed the City's Sign Regulations in Municipal Code Section 9.12.060 and General Plan sign policies 2.10.6 and 7.7.3 and determined that the applicant's request to increase the copy area and height of menu boards is consistent with the stated intent of the City's sign code and the General Plan.

# ENVIRONMENTAL

Although the proposed Municipal Code Amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley.

As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

# **NOTIFICATION**

A display notice was published in the newspaper and a public notice was posted at required City locations. As of the date of report preparation, staff had received no public inquiries in response to the noticing for this project.

# Planning Commission Staff Report Page 4

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2012-10 and thereby **RECOMMEND** that the City Council:

- 1. **RECOGNIZE** that application PA12-0008 (Municipal Code Amendment) will not have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15305, as a Class 5 Categorical Exemption; and
- 2. **APPROVE** PA12-0008 (Municipal Code Amendment) as referenced on Exhibit A.

Prepared by:

Approved by:

Jeff Bradshaw Associate Planner John C. Terell, AICP Planning Official

ATTACHMENTS:

- 1. Public Hearing Notice
- 2. Planning Commission Resolution No. 2012-10
- 3. Approved Taco Bell Menu Board
- 4. Preferred Taco Bell Menu Board
- 5. Sample Photo Preferred Menu Board
- 6. Applicant explanation for menu board changes
- 7. Photos of existing menu boards



# NOTICE OF PLANNING COMMISSION PUBLIC HEARING

THE PLANNING COMMISSION WILL CONSIDER AN AMENDMENT (PA12-0008) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE. THE MUNICIPAL CODE AMENDMENT PROPOSES TO REVISE PORTIONS OF THE SIGN CODE IN SECTION 9.12.060.D TO ALLOW FOR INCREASED COPY AREA AND INCREASED HEIGHT FOR DRIVE-THROUGH RESTAURANT MENU BOARDS.

The Municipal Code Amendment (PA12-0008) proposes to increase maximum sign copy area for drive-through restaurant pre-menu and menu boards from 36 square feet to 48 square feet or a maximum of 64 square feet for a single menu board. The maximum height for menu boards would increase from 6 feet to 8 feet inclusive of the sign base.

As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

The Planning Commission may consider modifications or alternatives to the amendment or the environmental determination. The amendment is proposed to be exempt under California Environmental Quality Act Guidelines Section 15061 as defined by Section 15378.

Any person interested in the proposed project may contact Jeff Bradshaw at (951) 413-3224 or at the Community 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, May 10, 2012 7:00 P.M. City Council Chamber 14177 Frederick Street Moreno Valley, CA 92552-0885

> > ATTACHMENT 1

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# PLANNING COMMISSION RESOLUTION NO. 2012-10

# A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL APPROVE MUNICIPAL CODE AMENDMENT APPLICATION NO. PA12-0008 FOR CHANGES TO THE CITY'S SIGN CODE IN SECTION 9.12.060.D.

# Section 1:

**WHEREAS**, the applicant, Contractors Permit Services, has filed an application for the approval of PA12-0008, requesting an amendment to the City's Municipal, which proposes the following revisions to the City's sign code in Section 9.12.060.D, as described in the title of this resolution and the attached Exhibit A:

- Increased sign copy area for drive-through restaurant menu boards from 36 square feet to 48 square feet or a maximum of 64 square feet for a single menu board; and
- Increased height for drive-through restaurant menu boards from six feet to eight feet inclusive of the base.

It should be noted that the proposed amendment will be effective citywide.

**WHEREAS,** on May 10, 2012, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and all of the environmental documentation prepared for the project.

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

**WHEREAS**, the Planning Commission recognized that the project will not have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15305, as a Class 5 Categorical Exemption.

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.

# ATTACHMENT 2

- B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 10, 2012, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
- C.
- 1. Conformance with General Plan Policies The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

**FACT:** General Plan policy 2.10.6 states that signs should be highly compatible with the building and site design relative to size, color, material, and placement. Policy 7.7.3 states that reasonable controls should be implemented on the size, number and design of signs to minimize degradation of visual quality. The changes proposed to the Municipal Code are consistent with the General Plan and do not conflict with the goals, objectives, policies, and programs established within the Plan.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

**FACT:** Although the proposed amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

**3. Conformance with Title 9** – The proposed amendment is consistent with the purposes and intent of Title 9.

**FACT:** The purpose and intent of the City's sign regulation as stated in Municipal Code Section 9.12.060 is to aid in the identification of land uses and facilities to provide for public convenience; encourage signs that are attractive, discourage clutter and maintain a high quality visual image for the community; promote the economic well-being of local businesses and the community; reduce traffic and safety hazards; and ensure that signs are in keeping with the goals, objectives and policies of the city of Moreno Valley general plan. As proposed, the Municipal Code Amendment is consistent with the purposes and intent of Title 9.

# Section 2.

**BE IT FURTHER RESOLVED** that the Planning Commission **HEREBY APPROVES** Resolution No. 2012-10, recommending that the City Council:

- 1. **RECOGNIZE** that Municipal Code Amendment application PA12-0008 will not have a significant effect on the environment and are therefore exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15305, as a Class 5 Categorical Exemption.
- 2. **APPROVE** Municipal Code Amendment application PA12-0008, as shown on the attachment included as Exhibit A.

**APPROVED** this 10<sup>th</sup> day of May, 2012.

Ray L. Baker Chair, Planning Commission

ATTEST:

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

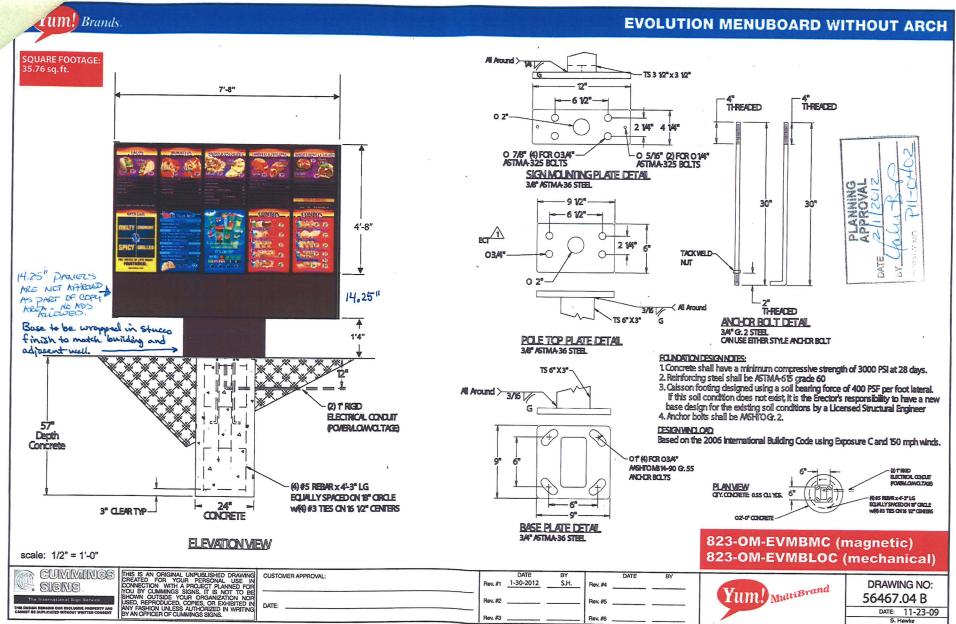
APPROVED AS TO FORM:

City Attorney

#### Chapter 9.12 SIGN REGULATIONS

#### 9.12.060 Permitted Signs.

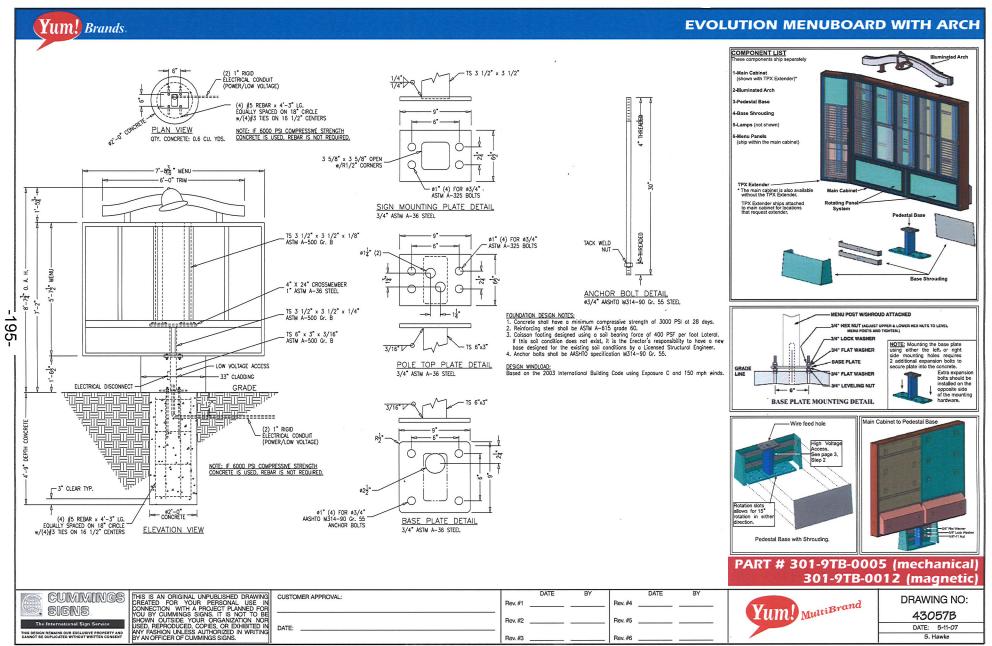
D. Drive-Through Restaurant Menu Boards. Two additional signs shall be permitted for the purpose of displaying the type and price of products sold on-site to drive-through customers. Such signs may include a speaker system to allow drive-through customers to order food and beverages. Such signs shall not exceed thirty-six (36) forty-eight (48) square feet in area and six eight feet in height inclusive of the base. If the restaurant elects to build only a single menu board, the sign shall not exceed 64 square feet and the height shall not exceed eight feet inclusive of the base.



ATTACHMENT 3

-193

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ATTACHMENT 4

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Toll Free Phone: 1-800-782-6222 • Website: www.mainstreetmenus.com



C101507-001

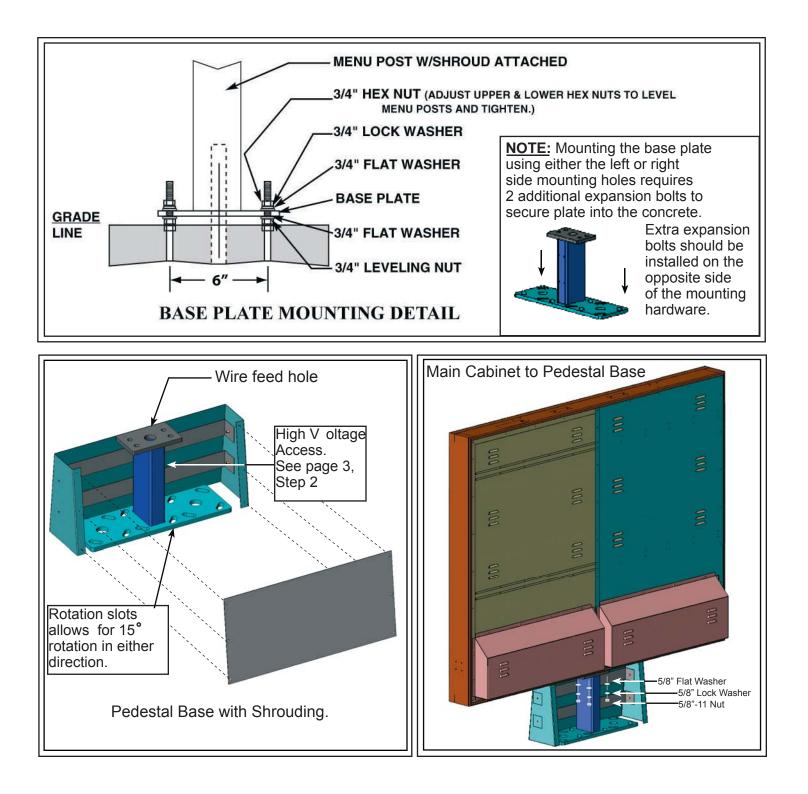
# **COMPONENT LIST Illuminated Arch** These components ship separately **1-Main Cabinet** (shown with TPX Extender)\* 2-Illuminated Arch **3-Pedestal Base 4-Base Shrouding** 5-Lamps (not shown) 6-Menu Panels (ship within the main cabinet) **TPX Extender** – \* The main cabinet is also available **Main Cabinet** without the TPX Extender. **Rotating Panel** TPX Extender ships attached to main cabinet for locations System that request extender. **Pedestal Base Base Shrouding**

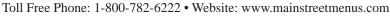
Toll Free Phone: 1-800-782-6222 • Website: www.mainstreetmenus.com



C101507-001

**P**1





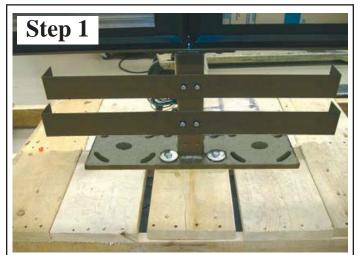


C101507-001

-199-

P2

# **BASE SHROUD ASSEMBLY**



To Assemble Shroud: Attach brackets to pedestal base as shown.



Place front shroud over brackets as shown in photo. Secure with hardware and route wires as needed.



Front shroud shown attached. Place rear shroud on back and secure with hardware.

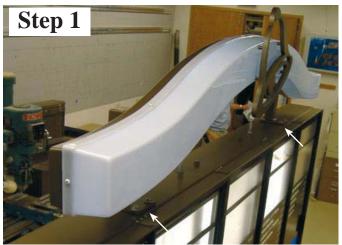


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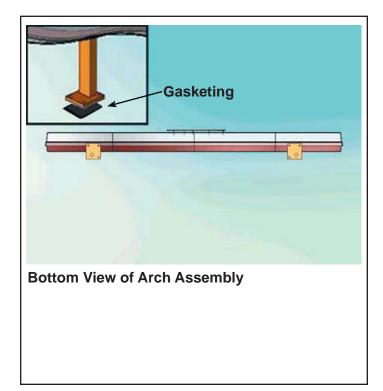
C101507-001

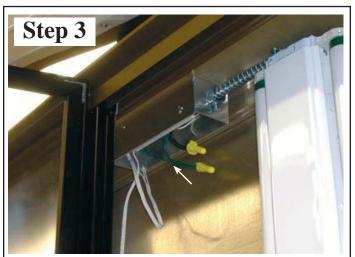
# TACO BELL OUTDOOR MENU

# ILLUMINATED ARCH ASSEMBLY

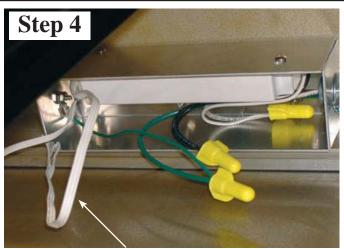


Arch Assembly: Arch mounts to the top of menu system and ships with rubber gasketing and hardware pre-assembled to the base.





Arch Lighting Hook-up: Locate junction box in the top right interior section of the menu board. Remove cover to access wiring.



**Utilize driver wiring to light arch:** There are 3 wires coming in from the arch that must be connected to the 3 wires coming out of the driver.

The middle wires need to connect to each otherThe outsde are universal.

All wires connect.

C101507-001

-201-

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#### **Explanation of reasons/intend for the amendment**

1. Impact on business revenue for stores in the area with larger menu boards vs. the smaller ones allowed by current Code. The majority of national restaurants have larger menus as a universal standard design than what current code allows. In fact, there are many costly changes required to provide a custom design in order to meet restrictive Code including but not limited to: materials, fonts, layout, and require goods to be deleted. This is a hindrance for designers, manufacturers, restaurant owners, and even in the patron's ability to purchase. The end result is less revenue for the City not only from a patron-purchasing standpoint but for the funds left remaining to the restaurant owner which may be invested into the City at time of initial construction and in the future endeavors. Business Friendly

2. Impact on traffic flow resulting in accidents/injury for stores with larger menu boards vs. the smaller ones allowed by Code. When menus have smaller area, the words are more difficult to read resulting in ordering delays which impacts traffic. More vehicles become stationary longer and may overflow into drive ways impeding traffic as the number of vehicles increase. User Friendly

3. In cases where there is limited, or no, visibility of menu boards from the road or on the property, a menu board cannot be compared to a "Sign" as defined in City Code [9.15.030]. A menu board's purpose is not intended to be an "object for the purpose of advertising, identifying or calling visual attention to any place..." but a informational communication device located within the property's drive-thru lane. User Friendly

4. Need for more graphics space in order to present goods visible from a patron's vehicle. A comparison of drive thru restaurants and how they've evolved in services since the Code was created. More variety of goods available in current restaurants than ever before; therefore, it requires an increase in graphics at a font large enough to see from patron's vehicle. Furthermore, vehicles at present have varying focal points which become crucial when determining the position (height and angle) and legibility (size) in relation to vehicular patrons. For example, there is a 2'-0" difference approximately between standard cars and trucks or SUV's. Current Code inadequately addresses this reality. Business Friendly

5. Landscaping requirements of the City are such that menu boards at the rear of building are not visible from the road; therefore, no advertising quality is possible unless within the drive thru lane. With the limit in sign area and height, restaurants are forced to place their menu closer to grade resulting in further view obstruction by surrounding landscaping within the drive thru lane. Basically, plants will block view of goods at the current code of 6'-0"oah. With an increase in height from grade, it could allow landscaping to be enhanced without interference.

#### ATTACHMENT 6

6. Allowing the arch with the bell above the menu board will stop the restaurant from adding clip on panels for more copy area of specials or advertisements. The arch will add more down lighting to be able to read the menu board better at night.

7. Photo surveys of menu boards in the City of Moreno Valley and surrounding areas which provide visual proof in favor of our request. Several points can be made here: a) why should Taco Bell be limited, creating hardship of revenue, when other businesses in the City clearly have not adhered to code? It's an unfair advantage. b) At the time of this current code creation, the City may have intended to prevent/avoid scenarios by creating limitations (like crime, visibility issues, "eye sores", etc.); and those are <u>not</u> occurring at present even with evidence of larger menus in the City or code enforcement would be more present. It is, then, fitting to say those original scenarios won't develop by making those existing larger boards and future boards legal within reason. c) The Code doesn't appear to meet the needs of current standards of national companies. It may have been adequate when created but may be considered antiquated by today's standards. More services are offered now. More vehicles conduct more business in a drive thru presently than in the past years. The proposed code amendment will allow businesses the capability to remain "fast" food.

Below is a summary of the code information confirmed in several adjacent local cities for menu boards:

City of San Bernardino: 2 per bldg, 45 sq ft and 8' OAH City of Riverside: 1 per bldg, 40 sq ft and 8' OAH City of Beaumont: case by case City of Corona: case by case City of Murrieta: case by case

Attached are photos and sizes of existing menu boards located in Moreno Valley and Murrieta as requested.

# ATTACHMENT 7



# **McDonald's**

2891 Canyon Springs Pkwy Moreno Valley, CA Cross streets: Day and Canyon Springs (Site has 2 menu boards & 2 drive-thru lanes)

# OAH: 7' OAW: 8'5" Sign area: 46.61 sq ft

(Sign area does not include additional Mc Cafe panel above; approximately an additional 20sq ft for a total of **66.61 sq ft** of sign area)



Carl's Jr. 22700 Centerpoint Dr Moreno Valley, CA Cross streets: Town and Centerpoint OAH: 8'6" OAW: 6'2"

# Sign area: 43.19 sq ft

(Sign area does not include additional extension panels on the right side of the menu board; approximately an additional 5 sq ft for a total of **48.19 sq ft** of sign area)



# KFC 12280 Heacock St Moreno Valley, CA Cross streets: Heacock and Hemlock OAH: 8'6" OAW: 5'9" Sign area: 40.25 sq ft (Sign area does not

include the additional extension panel on the left side of the menu board; approximately an additional 3sq ft for a total of **43.25 sq ft** of sign area)



Taco Bell 23010 Sunnymead Blvd Moreno Valley, CA Cross streets: Sunnymead and Pigeon Pass OAH: 8'8" OAW: 7'8" Sign area: 43.49 sq ft





include additional panel on the base of the menu board; approximately an additional 2 sq ft for a total of **46.19 sq ft** of sign area)



Taco Bell 24656 Madison Ave Murrieta, CA Cross streets: Madison and Kalmia OAH: 8'8" OAW: 7'8"

# Sign area: 43.49 sq ft

(Sign area does not include additional panel on the base of the menu board; approximately an additional 1 sq ft for a total of **44.49 sq ft** of sign area)



# Jack in the Box

24656 Madison Ave Murrieta, CA Cross streets: Madison and Kalmia (Site has 2 menu boards & 1 drive-thru lane) Menu Board 1: OAH: 6'2" OAW: 8'5"

# Sign area: 38.25 sq ft

(Sign area does not include additional panels above and below the menu board; approximately an additional 9 sq ft for a total of **47.25 sq ft** of sign area)



Menu Board 2: OAH: 6'2" OAW: 8'5" Sign area: 38.25 sq ft (Sign area does not

include additional panels below the menu board; approximately an additional 4 sq ft for a total of **42.25 sq ft** of sign area) This page intentionally left blank.



# PLANNING COMMISSION STAFF REPORT

Case(s):	PA08-0033 (General Plan Amendment) PA08-0034 (Change of Zone) PA08-0035 (CUP)
Date:	May 10, 2012
Applicant:	Socrates Urena
Representative:	Socrates Urena
Location:	22184 Alessandro Boulevard
Proposal:	A Conditional Use Permit (CUP) for a Smog Inspection Station and Tire Sales commercial business, which requires a General Plan Amendment and Change of Zone.
Council District:	5
Recommendation:	Approval

# SUMMARY

The proposed Smog Inspection Station and Tire Sales commercial business requires both a General Plan Amendment and Change of Zone for approval of the Conditional Use Permit. The proposed General Plan Amendment will change the land use designation of a 0.54 acre portion of a parcel located at 22184 Alessandro Boulevard (Assessor's Parcel Number 291-190-025) from Residential/Office (R/O) to Commercial (C). The Change of Zone will change the zoning of the parcel from Office Commercial (OC) to Community Commercial (CC).

# Project

The proposed project requires a Conditional Use Permit (CUP) for a Smog Inspection Station and Tire Sales business. The smog aspect of the business is as a "testing center" only, no auto repairs are to be conducted on site. The existing residential structure will be converted into the main office. The building's facade will be modified to emphasize the main business entrance and to eliminate the two doors on the east side of the building. The front windows will be reduced by one and repositioned in order to make the structure more commercial in appearance. The garage will be used as service bays for the smog inspection testing as well as tire service. The proposed project will provide onsite parking for 10 vehicles and have a security gate.

The project requires the front 1/3 of the parcel's zoning to be changed from Office Commercial (OC) to Community Commercial (CC). The rest of the parcel will remain in the Residential 10 (R10) zoning district. Approximately .54 acres of the 1.46 acre site will be rezoned to CC and approximately .92 acres will remain R10.

There was a previous approved application (PA03-0037) for the same business that expired, requiring a new application to be submitted. The project was approved back in October 2003 when the site was zoned Community Commercial (CC). During the 2006 General Plan Update, the parcel was rezoned to Office/Commercial (OC). This appears to have been done in recognition of the split zoning on the property and the potential incompatibility of general commercial and residential uses on the same parcel. To avoid potential conflicts, the conditions of approval require a parcel split prior to any residential development of the northerly residential portion of the parcel.

# Land Use Change

The existing General Plan designation for the project site is Residential/Office (R/O). The applicant proposes a change from the Residential/Office (R/O) designation to Commercial (C) under the General Plan. The project requires the front 1/3 of the parcel's zoning to be changed from Office Commercial (OC) to Community Commercial (CC). The rest of the parcel will remain in the Residential 10 (R10) zoning district. Approximately .54 acres of the 1.46 acre site will be rezoned to CC and approximately .92 acres will remain R10. If the General Plan Amendment and Change of Zone are approved, the CUP for the Smog Inspection Station and Tire Sales business can be approved as well.

Based upon the information presented above, the proposed change in land use is compatible with existing land uses and would not conflict with the goals, objectives, policies or programs of the General Plan.

# <u>Site</u>

The project site is surrounded by mixed group of land uses including Residential/Office (R/O) to the north, east and west of the parcel. There is some Residential 5 (R5) to the northeast of the project site. The neighboring parcels along the front of Alessandro Boulevard are Commercial (C) with Business Park (BP) to the south (across the street along Alessandro Boulevard).

As far as zoning, the project site is the only Office/Commercial (OC) parcel in the surrounding neighborhood. The Residential zoning is a mix of Residential 10 (R10) and Residential 15 (R15) with some Residential 5 (R5). Along Alessandro Boulevard from the Old 215 Frontage Road east to Elsworth Street is zoned Commercial (CC).

The project is located in an area of Moreno Valley referenced to as "Edgemont". The majority of the structures within this area are older single and small multiple-family residences. The project site has an existing older single-family residence with a separate garage structure that currently is vacant located in the front 1/3 of the parcel. The remaining 2/3 of the parcel is currently vacant.

# <u>Access</u>

Access to the project site is off Alessandro Boulevard, directing customers to parking in the rear section of the lot. There is an emergency only gate off Sherman Way (north end of the property).

# <u>Design</u>

The existing single family dwelling will be converted into office space with a waiting room, cashier's and storage areas. The building's facade will be modified to emphasize the main business entrance and to make the structure more commercial in appearance. The structure will be freshly painted and have a stone veneer place along the bottom sections of the front and side elevations. The garage will be used as the service bay for the smog inspection testing and storage of tires. The proposed project will provide onsite parking for 10 vehicles and have a security gate.

A five-foot landscaped planter will be along the eastern property boundary. The rear of the proposed Community Commercial (CC) section of the parcel will be conditioned to provide a five-foot landscaped planter as well. The existing "front yard" area of the property will be landscaped, including the addition of two Mondell Pine (*Pinus eldarica*) street trees planted 40-feet on-center with unspecified accent trees in between. The project will also be conditioned to provide a two bin trash enclosure that meets the City's requirements as well as landscaping along three sides.

A chain-link fence with metal or plastic slats has been required to separate the portions of the site to be developed from those intended to remain vacant. A block wall is required along any property line with existing residential units.

### **Review Process**

The General Plan Amendment, Zone Change and Conditional Use Permit applications were submitted in April 2008. The biggest issue with this project was its lack of enough fire flow demand/ water pressure on site as the parcel is located within the Box Springs Water District. The applicant worked with both the Box Springs Water District and Eastern Municipal Water District to meet Fire Prevention Bureau's requirements. The applicant also installed a fire hydrant onsite, which was reviewed and accepted by the Moreno Valley Fire Prevention Bureau.

# **Environmental**

The site is currently had a vacant residential structure with a separate garage and is not an area that the Riverside County Integrated Plan (RCIP) has identified as having the potential for burrowing owl habitat. The majority of the property is covered by weeds and dead vegetation.

A review of the FEMA maps for this area indicated that the project site is located outside of the 100-year flood plain.

Based upon review of the Cultural Resources Inventory prepared for the City of Moreno Valley by the Archaeological Research Unit of the University of California in October 1987, there are no known archaeological resources on the site.

With consideration given to the preceding information, an Initial Study has been completed for the proposed project. Based upon the Initial Study, a determination has been made that the proposed project will not result in the potential for significant impacts to the environment. Therefore, the adoption of a Negative Declaration is recommended.

# Notification

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

# Staff Recommendation

Staff recommends that the Planning Commission take the following action:

**APPROVE** Resolution No. 2012-09, and thereby **RECOMMEND** that the City Council:

- 1. **ADOPT** a Negative Declaration for PA08-0033 (General Plan Amendment), PA08-0034 (Change of Zone) and PA08-0035 (Conditional Use Permit) in that this project will not result in significant environmental impacts);
- 2. **APPROVE** PA08-0033 (General Plan Amendment), PA08-0034 (Change of Zone) and PA08-0035 (Conditional Use Permit).

Prepared by:

Approved by:

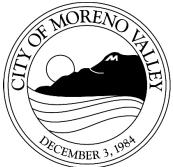
Claudia Manrique	John C. Terell, AICP
Associate Planner	Planning Official

ATTACHMENTS:

Planning Official

- 1. Public Hearing Notice
- Planning Commission Resolution No. 2012-09, including conditions of approval attached as Exhibit A
- 3. Negative Declaration
- 4. Initial Study
- 5. Aerial Photograph of Project Site
- 6. General Plan Amendment (Land Use) Map
- 7. Change of Zone (Zoning) Map
- 8. Site Plan
- 9. Conceptual Grading Plan
- 10. Office Elevations
- 11. Garage Elevations

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# Notice of PUBLIC HEARING

This may affect your property. Please read. Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

CASE(S): PA08-0033 (General Plan Amendment) PA08-0034 (Change of Zone) PA08-0035 (Conditional Use Permit)

APPLICANT/OWNER: Socrates Urena

REPRESENTATIVE: Socrates Urena

LOCATION: 22184 Alessandro Boulevard

**PROPOSAL:** A Conditional Use Permit (CUP) for a Smog Inspection Station and Tire Sales commercial business in an existing structure. The CUP requires a General Plan Amendment from Residential/Office (R/O) to Commercial (C) and Change of Zone from Office Commercial (OC) to Community Commercial (CC).

#### ENVIRONMENTAL DETERMINATION: Negative Declaration

#### COUNCIL DISTRICT: 5

#### STAFF RECOMMENDATION: Approval

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

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

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

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

		GRANTST	
SHERMAN AVE			
	Project Site		
777			

## LOCATION N **↑**

## PLANNING COMMISSION HEARING

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

DATE AND TIME: May 10, 2012 at 7 PM

**CONTACT PLANNER: Claudia Manrique PHONE:** (951) 413-3225

**ATTACHMENT 1** 

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PLANNING COMMISSION RESOLUTION NO. 2012-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL APPROVE APPLICATION NUMBERS PA08-0033 (GENERAL PLAN AMENDMENT) TO CHANGE THE LAND USE FROM RESIDENTIAL/OFFICE (R/O), PA08-0034 (ZONE CHANGE) TO CHANGE THE ZONING FROM OFFICE COMMERCIAL (OC) TO COMMUNITY COMMERCIAL (CC) AND PA08-0035 (CONDITIONAL USE PERMIT) FOR A SMOG INSPECTION AND TIRE SALES BUSINESS AT 22184 ALESSANDRO BOULEVARD (0.54 Southerly Portion of APN: 291-190-025).

## Section 1:

WHEREAS, the applicant, Socrates Urena, has filed an application for the approval of PA08-0033, requesting an amendment to the City's General Plan for certain property, as described in the title of this resolution. The General Plan Amendment is being processed concurrently with a Change of Zone (PA08-0034) and Conditional Use Permit (PA08-0035).

**WHEREAS,** on May 10, 2012, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and all of the environmental documentation prepared for the project.

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

WHEREAS, the Planning Commission considered the initial study prepared for the project for the purpose of compliance with the California Environmental Quality Act (CEQA). Based on the initial study, it was determined that the project will not result in significant environmental impacts and therefore adoption of a Negative Declaration is recommended.

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:

## ATTACHMENT 2

- 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 May 10, 2012, 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 existing General Plan designation for the project site is Residential/Office (R/O). The applicant proposes a change from the Residential/Office (R/O) designation to Commercial (C) under the General Plan. The project requires the front 1/3 of the parcel's zoning to be changed from Office Commercial (OC) to Community Commercial (CC). The rest of the parcel will remain in the Residential 10 (R10) zoning district. Approximately .54 acres of the 1.46 acre site will be rezoned to CC and approximately .92 acres will remain R10. If the General Plan Amendment and Change of Zone are approved, the CUP for the Smog Inspection Station and Tire Sales business can be approved as well.

Based upon the information presented above, the proposed change in land use is compatible with existing land uses and would not conflict with the goals, objectives, policies or programs of the General Plan.

2. **Health, Safety and Welfare** – The proposed general plan amendment and change of zone will not be detrimental to the public health, safety or welfare.

**FACT:** The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Negative Declaration has been considered and prepared, as there is no evidence that the proposed land use change will have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

## Section 2.

WHEREAS, the applicant, Socrates Urena, has filed an application for the approval of PA08-0034, requesting a Change of Zone for certain property, as described in the title of this resolution. The Change of Zone is being processed concurrently with a General Plan Amendment (PA08-0033) and Conditional Use Permit (PA08-0035).

**WHEREAS,** on May 10, 2012, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and all of the environmental documentation prepared for the project.

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

**WHEREAS**, the Planning Commission considered the initial study prepared for the project for the purpose of compliance with the California Environmental Quality Act (CEQA). Based on the initial study, it was determined that the project will not result in significant environmental impacts and therefore adoption of a Negative Declaration is recommended.

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 May 10, 2012, 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 existing General Plan designation for the project site is Residential/Office (R/O). The applicant proposes a change from the Residential/Office (R/O) designation to Commercial (C) under the General Plan. The project requires the front 1/3 of the parcel's zoning to be changed from Office Commercial (OC) to Community Commercial (CC). The rest of the parcel will remain in the Residential 10 (R10) zoning district. Approximately .54 acres of the 1.46 acre site will be rezoned to CC and approximately .92 acres will remain R10. If the General Plan Amendment and Change of Zone are approved, the CUP for the Smog Inspection Station and Tire Sales business can be approved as well.

Based upon the information presented above, the proposed change in land use is compatible with existing land uses and would not conflict with the goals, objectives, policies or programs of the General Plan.

2. **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 Zone Change will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Negative Declaration has been considered and prepared, as there is no evidence that the proposed Zone Change will have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. **Conformance with Title 9** – The proposed amendment to change the zoning atlas is consistent with the purposes and intent of Title 9.

**FACT:** The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from Office Commercial (OC) to Community Commercial (CC) is consistent with the purposes and intent of Title 9.

#### Section 3:

**WHEREAS**, the applicant, Socrates Urena, has filed an application for the approval of PA08-0035, requesting a Conditional Use Permit for certain property, as described in

the title of this resolution. The Change of Zone is being processed concurrently with a General Plan Amendment (PA08-0033) and Change of Zone (PA08-0034).

**WHEREAS,** on May 10, 2012, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and all of the environmental documentation prepared for the project.

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

**WHEREAS**, the Planning Commission considered the initial study prepared for the project for the purpose of compliance with the California Environmental Quality Act (CEQA). Based on the initial study, it was determined that the project will not result in significant environmental impacts and therefore adoption of a Negative Declaration is recommended.

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 May 10, 2012, 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 existing General Plan designation for the project site is Residential/Office (R/O). The applicant proposes a change from the Residential/Office (R/O) designation to Commercial (C) under the General Plan. The project requires the front 1/3 of the parcel's zoning to be changed from Office Commercial (OC) to Community

Commercial (CC). The rest of the parcel will remain in the Residential 10 (R10) zoning district. Approximately .54 acres of the 1.46 acre site will be rezoned to CC and approximately .92 acres will remain R10. If the General Plan Amendment and Change of Zone are approved, the CUP for the Smog Inspection Station and Tire Sales business can be approved as well.

The project site is surrounded by mixed group of land uses including Residential/Office (R/O) to the north, east and west of the parcel. There is some Residential 5 (R5) to the northeast of the project site. The neighboring parcels along the front of Alessandro Boulevard are Commercial (C) with Business Park (BP) to the south (across the street along Alessandro Boulevard).

As far as zoning, the project site is the only Office/Commercial (OC) parcel in the surrounding neighborhood. The Residential zoning is a mix of Residential 10 (R10) and Residential 15 (R15) with some Residential 5 (R5). Along Alessandro Boulevard from the Old 215 Frontage Road east to Elsworth Street is zoned Commercial (CC).

The project is located in an area of Moreno Valley referenced to as "Edgemont". The majority of the structures within this area are older single and small multiple-family residences. The project site has an existing older single-family residence with a separate garage structure that currently is vacant located in the front 1/3 of the parcel. The remaining 2/3 of the parcel is currently vacant.

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

**FACT:** The existing General Plan designation for the project site is Residential/Office (R/O). The applicant proposes a change from the Residential/Office (R/O) designation to Commercial (C) under the General Plan. The project requires the front 1/3 of the parcel's zoning to be changed from Office Commercial (OC) to Community Commercial (CC). The rest of the parcel will remain in the Residential 10 (R10) zoning district. Approximately .54 acres of the 1.46 acre site will be rezoned to CC and approximately .92 acres will remain R10. If the General Plan Amendment and Change of Zone are approved, the CUP for the Smog Inspection Station and Tire Sales business can be approved as well.

The project site is surrounded by mixed group of land uses including Residential/Office (R/O) to the north, east and west of the parcel. There is some Residential 5 (R5) to the northeast of the

project site. The neighboring parcels along the front of Alessandro Boulevard are Commercial (C) with Business Park (BP) to the south (across the street along Alessandro Boulevard).

As far as zoning, the project site is the only Office/Commercial (OC) parcel in the surrounding neighborhood. The Residential zoning is a mix of Residential 10 (R10) and Residential 15 (R15) with some Residential 5 (R5). Along Alessandro Boulevard from the Old 215 Frontage Road east to Elsworth Street is zoned Commercial (CC).

The project is located in an area of Moreno Valley referenced to as "Edgemont". The majority of the structures within this area are older single and small multiple-family residences. The project site has an existing older single-family residence with a separate garage structure that currently is vacant located in the front 1/3 of the parcel. The remaining 2/3 of the parcel is currently vacant.

5. **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 Smog Inspection and Tire Sales Business will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Negative Declaration has been considered and prepared, as there is no evidence that the proposed Zone Change will have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

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

**FACT:** The project site is surrounded by mixed group of land uses including Residential/Office (R/O) to the north, east and west of the parcel. There is some Residential 5 (R5) to the northeast of the project site. The neighboring parcels along the front of Alessandro Boulevard are Commercial (C) with Business Park (BP) to the south (across the street along Alessandro Boulevard).

As far as zoning, the project site is the only Office/Commercial (OC) parcel in the surrounding neighborhood. The Residential zoning is a mix of Residential 10 (R10) and Residential 15 (R15) with some

Residential 5 (R5). Along Alessandro Boulevard from the Old 215 Frontage Road east to Elsworth Street is zoned Commercial (CC).

The project is located in an area of Moreno Valley referenced to as "Edgemont". The majority of the structures within this area are older single and small multiple-family residences. The project site has an existing older single-family residence with a separate garage structure that currently is vacant located in the front 1/3 of the parcel. The remaining 2/3 of the parcel is currently vacant.

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

## 1. FEES

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

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

## 2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA08-0033, PA08-0034 and PA08-0035, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

## 3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

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

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

## Section 4.

**BE IT FURTHER RESOLVED** that the Planning Commission **HEREBY RECOMMENDS** that the City Council:

**APPROVE** Resolution No. 2012-09, and thereby:

- 1. RECOMMEND that the City Council adopt a Negative Declaration for PA08-0033 (General Plan Amendment), PA08-0034 (Change of Zone) and PA08-0035 (Conditional Use Permit) in that this project will not result in significant environmental impacts);
- 2. RECOMMEND that the City Council approve PA08-0033 (General Plan Amendment), PA08-0034 (Change of Zone) and PA08-0035 (Conditional Use Permit).

**APPROVED** this 10th day of May, 2012.

Ray L. Baker Chair, Planning Commission

ATTEST:

John C. Terell, Planning Official

Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

## **CITY OF MORENO VALLEY** CONDITIONS OF APPROVAL PA08-0035 - CONDITIONAL USE PERMIT APN: 291-190-025

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

May 10, 2012 May 10, 2015

Planning (P), including School District (S), Post Office (PO), Building (B) X

X Fire Prevention Bureau (F)

X Public Works, Land Development (LD)

Public Works, Special Districts (SD) X

X Public Works – Transportation Engineering (TE)

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

## COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

#### **Planning Division**

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

## EXHIBIT A

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

R - Map Recordation WP - Water Improvement Plans BP - Building Permits

GP - Grading Permits

CO - Certificate of Occupancy or building final P - Any permit

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

GP - General Plan Ord - Ordinance Res - Resolution

MC - Municipal Code DG - Design Guidelines UFC - Uniform Fire Code SBM - Subdivision M -229-

CEQA - California Environmental Quality Act Ldscp - Landscape Development Guidelines and Specs UBC - Uniform Building Code

- 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 at 22184 Alessandro Boulevard has been approved for a Smog Inspection Station and Tire Sales commercial business. A change or modification shall require separate approval. For a Conditional Use Permit, violation may result in revocation in the case of a Conditional Use Permit.
- P9. Before approval of any residential development on the balance of the parcel, a parcel lot split is required.

## Prior to Issuance of Grading Permits

P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the

find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, 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).

- P11. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P12. (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 rightof-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)
- P13. (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.
- P14. (GP) Decorative pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
- P15. (GP) Prior to the issuance of building permits, the site plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project.

- P16. (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. 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. All walls are subject to the approval of the Planning Official. (DC 9.08.070)
  - B. Show location and elevations of the trash enclosure.
  - C. Landscaping on three sides of the trash enclosure.
  - D. A chain-link fence with metal or plastic slats has been required to separate the portions of the site to be developed from those intended to remain vacant.

## PRIOR TO BUILDING PERMITS

- P17. (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)
- P18. (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 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)
- P19. (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. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

- P20. (BP) Prior to issuance of building permits, the developer or developer's successorin-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)
- P21. (BP) Prior to issuance of building permits, for multi-family projects that will be phased, a phasing plan submitted to the Planning Division will be required if occupancy is proposed to be phased.
- P22. (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. 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.
  - B. Diamond planters shall be provided every 3 parking stalls.
  - C. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
  - D. Street trees shall be provided every 40 feet on center in the right of way.
  - E. 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.
  - F. Enhanced landscaping shall be provided at all driveway entries and street corner locations
  - G. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
  - H. Landscaping on three sides of the trash enclosure.
  - I. 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 (master plot plan).
- P22. (BP) Prior to the issuance of building permits, the site plan shall include landscape for trash enclosures to include landscape on three sides, while elevation plans for trash enclosures shall be provided that include decorative

enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed buildings on the site, subject to the approval of the Planning Division.

P23. (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.

## PRIOR TO CERTIFICATE OF OCCUPANCY

- P24. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)
- P25. (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).
- P26. (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.

## Building and Safety Division

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

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

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.

## 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.

## 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 needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient.
- PD5. All exterior doors in the rear and the front of the buildings need an address or suite number on them.
- PD6. All rear exterior doors should have an overhead low sodium light or a light comparable to the same.
- PD7. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building. The parking lots should have adequate lighting to insure a safe environment for customers and or employees.
- PD8. All landscape cover should not exceed over 3' from the ground in the parking lot.
- PD9. Bushes 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.
- PD10. 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 while parking their vehicles in the parking lot.
- PD11. Cash registers shall be placed near the front entrance of the store.
- PD12. Window coverings shall comply with the city ordinance.
- PD13. No loitering signs shall be posted in plain view throughout the building.

- PD14. A monument address is to be located in front of the main entrance.
- PD15. Landscape screening is to be located no closer than six feet from the covered parking spaces.

## FIRE PREVENTION BUREAU

- **1.** Fire lane shall meet conditions F6, F7, F8, AND F9.
- **2.** 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 <u>1500</u> GPM for <u>2</u> hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D).
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or <u>Mobile Home Parks</u>. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 ½") and super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

- F4. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
- F5. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)
- F6. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)
- F7. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the twenty–four (24) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)
- F8. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)
- F9. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)
- F10. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)
- F11. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)
- F12. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F13. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
  - a) Be signed by a registered civil engineer or a certified fire protection engineer;
  - b) Contain a Fire Prevention Bureau approval signature block; and

c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

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

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

- F14. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)
- F15. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial</u> <u>buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)
- F16. 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)
- F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)
- F18. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental

Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5)

- F19. 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.
- F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)
- F21. Prior to construction, "private" driveways over 150 feet in length shall have a turnaround as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.050)
- F22. 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.
- F23. 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 Appendix Chapter 1 and MVMC 8.36.100.

- F24. 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)
- F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:
  - a) Storage and use areas;
  - b) Maximum amount of each material stored or used in each area;
  - c) Range of container sizes;
  - d) Locations of emergency isolation and mitigation valves and devises;
  - e) Product conveying piping containing liquids or gases, other than utilityowned fuel gas lines and low-pressure fuel gas lines;
  - f) On and off positions of valves for valves which are of the self-indicating type;
  - g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
  - h) Site plan showing all adjacent/neighboring structures and use.

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

- F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)
- F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)
- F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be

corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

- F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)
- F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)
- F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)
- F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F33. 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.
- F34. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

## CITY OF MORENO VALLEY PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL PA08-0035 Conditional Use Permit for Smog Inspection Station and Tire Sales APN 291-190-025

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) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

- LD5. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
  - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
  - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

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

- LD6. (G) 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.
- LD7. (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

- LD8. (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.
- LD9. (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.
- LD10. (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.
- LD11. (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.

- LD12. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD13. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.
- LD14. (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)
- LD15. (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.
- LD16. (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

- LD17. (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.
- LD18. (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)
- LD19. (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.
- LD20. (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.
- LD21. (IPA) The street improvement plans shall comply with all applicable City standards.

- LD22. (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.
- LD23. (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)
- LD24. (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.
- LD25. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

## Prior to Building Permit

- LD26. (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.
- LD27. (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.
- LD28. (BP) Prior to issuance of a building permit, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of permit issuance. Following are the requirements:

- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
  - 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)
- LD29. (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

- LD30. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.
- LD31. (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.
- LD32. (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.
- LD33. (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, sidewalks, drive approaches, signing, striping, under sidewalk drains, landscaping and irrigation, pavement tapers/transitions and traffic control devices as appropriate.
- b. Storm drain facilities including, but not limited to: open channel ("u" channel), undersidewalk drain.
- 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.
- LD34. (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)
- LD35. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

## **SPECIAL CONDITIONS**

- LD36. Prior to grading plan approval, the following shall be shown on the plans and dedications made, via separate instrument and submitted to the City for review and approval: A 4-foot pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on Alessandro Boulevard and Sherman Avenue, along the project frontage.
- LD37. Prior to grading plan approval, the grading plans 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.
- LD38. Prior to grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

- LD39. Prior to grading plan approval, the plans shall clearly show that the developer has made every attempt to treat runoff, prior to the runoff reaching the treatment control Best Management Practice(s) (BMPs), via maximum use of site design and source control BMPs.
- LD40. Prior to grading plan approval, the plans shall show a 24-foot wide fire lane to be constructed per City Standard No. 108E.
- LD41. Prior to issuance of a building permit, the offer of dedication for the four-foot additional right-of-way at the proposed driveway approaches per City Standard No. 118C shall be recorded at the Riverside County Recorder's Office.

## CITY OF MORENO VALLEY CONDITIONS OF APPROVAL Case No: PA08-0035 (CUP for a Smog Inspection Station and Tire Sales) APN: 291-190-025 09.29.11 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 **PA08-0035**; 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). All assessable parcels therein shall be subject to the annual Zone A charge 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 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-4 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **existing Alessandro Blvd.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:
  - Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
  - b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

- SD-5 *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (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

#### CONDITIONS OF APPROVAL PA08-0035 (Conditional Use Permit) PAGE 25

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.

#### CONDITIONS OF APPROVAL PA08-0035 (Conditional Use Permit) PAGE 26

## CITY OF MORENO VALLEY

### CONDITIONS OF APPROVAL PA08-0033/0034/0035

GPA, Change of Zone, and CUP for smog inspection station and tire sales located at 22184 Alessandro Boulevard.

**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. Alessandro Boulevard is classified as a Divided Major Arterial (134'RW/110'CC). Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.
- TE2. Conditions of approval may be modified if project is phased or altered from any approved plans.

### PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE3. The driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code Design Guidelines and shall be Commercial type per City of Moreno Valley Standard No. 118C.
- TE4. Sight distance at driveways and on streets shall conform to City of Moreno Valley Standard No. 125 A, B, C at the time of preparation of final grading, landscape, and street improvements.
- TE5. Prior to issuance of a construction permit, traffic control plans prepared by a qualified, Registered Civil or Traffic engineer may be required.

### PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

TE6. (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.

**PROJECT TITLE AND FILE NUMBERS:** PA08-0033 (General Plan Amendment), PA08-0034 (Change of Zone) and PA08-0035 (Conditional Use Permit)

**PROJECT APPLICANT:** Socrates Urena **TELEPHONE NUMBER:** (951) 313-2924

**PROJECT LOCATION:** 22184 Alessandro Boulevard, Moreno Valley, CA 92553

**PROJECT DESCRIPTION:** The proposed Smog Inspection Station and Tire Sales commercial business requires both a General Plan Amendment and Change of Zone for approval of the Conditional Use Permit. The proposed General Plan Amendment will change the land use designation of a 0.54 acre portion of a parcel located at 22184 Alessandro Boulevard (Assessor's Parcel Number 291-190-025) from Residential/Office (R/O) to Commercial (C). The Change of Zone will change the zoning of the parcel from Office Commercial (OC) to Community Commercial (CC).

# **FINDING**

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

- [X] The proposed project will not have a significant effect on the environment.
- [] Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration have been added to the project. The Final Conditions of Approval contain the final form and content of all mitigation measures.

This determination is based upon an Initial Study. The project file, including the Initial Study and related documents is available for review during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) at the City of Moreno Valley, Community Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, California 92553, Telephone (951) 413-3206.

PREPARED BY: Claudia Manrique, Associate Planner

DATE: 5/1/2012

# NOTICE

The public is invited to comment on the Negative Declaration. The appropriateness and adoption of the Negative Declaration is considered at the time of project approval in light of comments received.

DATE ADOPTED: \_\_\_\_\_

BY: City Council

ATTACHMENT 3



# INITIAL STUDY/ ENVIRONMENTAL CHECKLIST FORM CITY OF MORENO VALLEY

1.	Project Title:	PA08-0033 (General Plan Amendment) PA08-0034 (Change of Zone) PA08-0035 (CUP)
2.	Lead Agency Name and Address:	City of Moreno Valley 14177 Frederick Street Moreno Valley, CA 92552
3.	Contact Person and Phone Number:	Claudia Manrique, Associate Planner (951) 413-3225
4.	Project Location:	22184 Alessandro Blvd (APN: 291-190-025)
5.	Project Sponsor's Name and Address:	Socrates Urena 20620 Avenida Hacienda Riverside, CA 92508
6.	General Plan Designation:	Residential/Office (R/O)
7.	Zoning:	Office Commercial (OC) and Residential 10 (R10)

8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)

The proposed project requires a Conditional Use Permit (CUP) for a Smog Inspection Station and Tire Sales commercial complex. The smog aspect of the business is as a "testing center" only, no auto repairs are to be conducted on site. The existing residential structure will be converted into the main office. The building's facade will be modified to emphasize the main business entrance and to eliminate the two doors on the east side of the building. The front windows will be reduced by one and repositioned in order to make the structure more commercial in appearance. The garage will be used as service bays for the smog inspection testing as well as tire service. The proposed project will provide onsite parking for 10 vehicles and have a security gate.

# ATTACHMENT 4

The project requires the front 1/3 of the parcel's zoning to be changed from Office Commercial (OC) to Community Commercial (CC). The rest of the parcel will remain in the Residential 10 (R10) zoning district. Approximately .54 acres of the 1.46 acre site will be rezoned to CC and approximately .92 acres will remain R10.

There was a previous approved application (PA03-0037) for the same business that unfortunately expired. The project was approved back in October 2003 when the site was zoned Community Commercial (CC). During the 2006 General Plan Update, the parcel was rezoned to Office/Commercial (OC).

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

The project site is surrounded by mixed group of land uses including Residential/Office (R/O) to the north, east and west of the parcel. There is some Residential 5 (R5) to the northeast of the project site. The neighboring parcels along the front of Alessandro Boulevard are Commercial (C) with Business Park (BP) to the south (across the street along Alessandro Boulevard).

As far as zoning, the project site is the only Office/Commercial (OC) parcel in the surrounding neighborhood. The Residential zoning is a mix of Residential 10 (R10) and Residential 15 (R15) with some Residential 5 (R5). Along Alessandro Boulevard from the Old 215 Frontage Road east to Elsworth Street is zoned Commercial (CC).

The project is located in an area of Moreno Valley referenced to as "Edgemont". The majority of the structures within this area are older single and small multiple-family residences. The project site has an existing older single-family residence with a separate garage structure that currently is vacant located in the front 1/3 of the parcel. The remaining 2/3 of the parcel is currently vacant.

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

None

# ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below( $\blacksquare$ ) 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	Public Services
	Materials	
Air Quality	Hydrology/Water Quality	Recreation
Biological Resources	Land Use/Planning	Transportation/Traffic
Cultural Resources	Mineral Resources	Utilities/Service Systems
Geology/Soils	Noise	Mandatory Findings of
		Significance

## DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature

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, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described in (5) below, may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
  - (a) Earlier Analysis Used. Identify and state where they are available for review.
  - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			•	•

I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				Х
The site is located within an area with several developments nearby and would not have	ave an advers	se effect on a	scenic vista.	
b) Substantially damage scenic resources, including, but not limited to trees, rock			Х	
outcroppings, and historic buildings within a state scenic highway?				
The site has a vacant single-family residence with a separate garage structure that w	ould benefit	from change	of use to a c	commercial
office. The house and garage structures have not been well maintained.				
c) Substantially degrade the existing visual character or quality of the site and its			Х	
surroundings?				
The site has a vacant single-family residence with a separate garage structure that w	ould benefit	from change	of use to a c	commercial
office. The house and garage structures have not been well maintained.				
d) Create a new source of substantial light or glare which would adversely affect			Х	
day or nighttime views in the area?				
The site has a vacant single-family residence with a separate garage structure that wo				mmercial
office. Any new lighting will have to meet the City's municipal code, which requires				
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultur				
effects, lead agencies may refer to the California Agricultural Land Evaluation and S				
California Department of Conservation as an optional model to use in assessing impa	icts on agricu	liture and far	mland. Wou	ld the
project?				V
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide				Х
Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-				
agricultural use?				
The site is not designated as prime farmland on current maps. The project site is de	signated as '	URBAN OI	R BUILT OI	IT LAND"
on the 2010 current map. The project site has historically been used as single-famil				
family house and separate garage structure located in the front 1/3 of the parcel				
neighborhood, there are no existing agricultural uses or operations within the project				1001001000
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				Х
The site is not currently in agricultural use, or under Williamson Act control. The	re is no exist	ting surround	ling agricult	ural use, or
sites under Williamson Act contract. The Municipal Code allows for agricultural us				
the proposed warehouse facility does not conflict with existing zoning for agricul				
contract.		-		
c) Involve other changes in the existing environment which, due to their location				Х
or nature, could result in conversion of Farmland, to non-agricultural use?				
As a residential neighborhood, there are no existing agricultural uses or operations w				
III. AIR QUALITY: Where available, the significance criteria established by the a		quality mana	igement or a	r 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?			Х	
The Air Quality Management Plan (AQMP) sets forth a comprehensive program that	at will lead th	ne air basin i	nto compliar	nce with all
federal and state air quality standards. The AQMP control measures and relate	d emission 1	eduction est	timates are l	based upon
emissions projections for a future development scenario derived from land use, popu				
consultation with local governments. Accordingly, conformance with the AQM				ermined by
demonstrating compliance with local land use plans and/or population projections, or	evaluation c	of assumed en	missions.	
The existing 2007 AQMP was developed based on SCAG (Southern California Ass	ociation of C	Governments	) population	projections
for the region. The population projections made by SCAG are based on existing a				
general plans of local governmental jurisdictions within the region. The proposed p				
that has been in place for the last several iterations of the regional population proje			1.	,
developed in accordance with the underlying assumptions of the AQMP, the	project wo	ould not con	nflict with	or obstruct
implementation of the SCAQMD AQMP.	r			
b) Violate any air quality standard or contribute substantially to an existing or			Х	
projected air quality violation.				1.9
The project's land use is consistent with the City's the General Plan. The project is lo				
Air Quality Management District. The project would not obstruct implementation of	the South C	oast Air Qua		nent Plan.
c) Result in a cumulatively considerable net increase of any criteria pollutant for			Х	
5				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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)? The project's land use is consistent with the City's the General Plan. The project is	s located with	nin the jurisdic	tion of the So	outh Coast
Air Quality Management District. The project would not obstruct implementation	of the South	Coast Air Qua	ality Manage	ment Plan.
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
As a commercial project, the development would not be expected to produce sig during construction. Standard conditions of approval provide mitigation from cons receptors include existing single-family residences to the north, northeast, ea Considering the direction of the prevailing winds from northwest to southeast, pollutants generated, the project will not expose sensitive receptors to substantial p Once the Smog and Tire Sales business is in operation, no auto repairs are to be co as a "testing center" only.	struction relates ast, northwes , dispersion collutant contest	ted dust products and west of the polluta centrations.	cts. The near of the proposition nts, and the	est sensitive sed project. quantity of
e) Create objectionable odors affecting a substantial number of people?			Х	
The proposal would have no direct impact in creating objectionable odors. Any co designations would be required to mitigate or address objectionable odors. IV. <b>BIOLOGICAL RESOURCES</b> . Would the project:	mmercial dev	velopment pro	jects under th	e proposed
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	
The project site is comprised of one parcel totaling 1.46 acres at 22184 Alessand single-family residence with a separate garage structure. The residence is currentl known. The parcel is not within an area that the Riverside County Integrated Pla such as a Burrowing Owl Habitat Assessment. The project site has been disturb and illegal dumping. Therefore, the proposed project will result in less than signible. There a substantially adverse effect on any riparian habitat or other sensitive	y not occupie in (RCIP) has bed in the pas	ed and the last s identified as st through disk	date of occu needing requ cing for weed	pation is no ired studies l abatement
natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service? There are no major riparian habitat or other sensitive community on the site. T riparian vegetation that could warrant a habitat area for sensitive or endangere	d species. 1	t is not antici	pated that the	ne proposed
<ul><li>development would have a substantial adverse effect on existing land use condition</li><li>c) Have a substantial adverse effect on federally protected wetlands as defined by</li></ul>		as the existing	Structure will	l be used.
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?				
The project as proposed would not have a substantial adverse effect on federally p Clean Water Act. The site has been previously graded and has an existing sing There are no federally protected wetland areas such as marsh or vernal pools evid General Plan or local policies pertaining to the protection of biological resour- objectives of the General Plan under the current land use designation which allows	gle-family re ident at the s ces. The pr	sidence and so ite. The proje oject is consis	eparate garaget is consistent	ge structure. ent with the
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?			Х	
The project as proposed would not interfere substantially with the movement of an with established native resident migratory wildlife corridors, or impede the use of			5.	species or
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			Х	
The proposed project will not conflict with any General Plan or local policy pertain	ning to the pi	rotection of bio		irces.
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?			Х	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
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The proposed project is located within the boundaries of the Stephen's Kangaroo R the City is participating in the Multiple Species Habitat Conservation Plan (MSHCP) program addressing multiple species' needs, including preservation of habitat and The project is not within any of the (MSHCP) criteria areas, PQP land, or any species	), a comprehe native veget	ensive habita ation in We	t conservationstern Riversi	on-planning de County.
vernal pool (fairy shrimp) habitat on the project site. The project as designed and con	nditioned is	consistent wi	ith the MSHO	CP and will
have not conflict with the MSHCP. This project will also be subject to fees to sup Habitat Conservation Plan. The MSHCP fee is currently \$1938.00 per lot.	port the imp	lementation	of the Multi	ple Species
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as				Х
defined in Section 15064.5?				
Based upon inspection of the project site and review of the Cultural Resource				
(Archeological Research Unit, University of California, Riverside, October 1987),				
the site. There are no historical structures existing on the site. There are no known	paleontologi	cal or uniqu	e geological	features on
the site.		[		
b) Cause a substantial adverse change in the significance of an archaeological				Х
resources pursuant to Section 15064.5?	<b>.</b> .			× 7 11
Based upon inspection of the project site and review of the Cultural Resourc (Archeological Research Unit, University of California, Riverside, October 1987),				
the site. There are no historical structures existing on the site. There are no known				
the site.		-		
c) Directly or indirectly destroy a unique paleontological resource or site or unique				Х
geologic feature?				
Based upon inspection of the project site and review of the Cultural Resource				
(Archeological Research Unit, University of California, Riverside, October 1987),				
the site. There are no historical structures existing on the site. There are no known	paleontolog	cal or uniqu	e geological	features on
<ul><li>the site.</li><li>d) Disturb any human remains, including those interred outside of formal</li></ul>				Х
cemeteries?				л
No known human remains have been identified at the project site. Conditions	s of approve	al address th	he issue of	inadvertent
discoveries. A standard condition of approval will be placed on the project to				
archaeological, paleontological, or historical resources uncovered on the project site.	, couse exec		onstruction (	
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the	risk of loss, i	njury or deat	th involving:	
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-	,	5 5	X	
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.				
Based on City's environmental resources, the project site is not on, or close to,				
information that would indicate the existence of a fault or fault tract in proximity of t	he site. The	re is no risk o	of ground rup	oture due to
faulting at the proposed project site.				
(ii) Strong seismic ground shaking?			X	
According to the City's environmental information, the project site is not on, or close				
fault is the San Jacinto fault system, which is located approximately 8-miles to the no				
also lies approximately 10-miles to the northeast. It should be noted, that within the an inferred unsubstantiated fault trace. The San Andreas fault system is more than 23				
and San Gabriel fault zones lie roughly 35 and 40 miles respectively to the northwest				
Inglewood fault zones lie approximately 20 and 45 miles, respectively, to the southw				
significant constraint to development on the site with the use of current building code				
moderately-high during a 100-year interval earthquake. There is no new information				
the site.				
(iii) Seismic-related ground failure, including liquefaction?			Х	
According to the City's environmental resources, the project site is not on, or clo	ose to, any	known earth		However,
ground-shaking intensity could possibly be moderately-high during a 100-year inte				
are not conducive of seismic related failure.	1			
(iv) Landslides?			Х	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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This site is not near or adjacent to the mountainside areas and landslides will not	be an issue.	There is no	o potentially	significant
impact from landslides.				
(b) Result in substantial soil erosion or the loss of topsoil?			Х	
The development of the site will likely result in the reduction of erosion with the pla				
During construction, there is the potential for less than significant impacts for short				
grading. This will be addressed as part of standard construction, such as watering to	reduce dust	and sandbagg	ging, if requi	red, during
raining periods.				
(c) Be located on a geologic unit or soil that is unstable, or that would become			Х	
unstable as a result of the project, and potentially result in on- or off-site landslide,				
lateral spreading, subsidence, liquefaction or collapse?				
The geologic unit or soil is not known to be unstable based on current resources.				
applicant must provide a soils and geologic report to City Public Works Department	. The site v	will not be lo	cated on exp	bansive soil
as defined in Table 18-1-B of the Uniform Building Code.				
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform			Х	
Building Code (1994), creating substantial risks to life or property?				
According to the City's environmental information, the geologic unit or soil is				
conditions of approval, the applicant must provide a soils and geologic report to City	Public Wor	ks Departme	ent. The site	will not be
located on expansive soil as defined in Table 18-1-B of the Uniform Building Code.				
(e) Have soils incapable of adequately supporting the use of septic tanks or			Х	
alternative waste water disposal systems where sewers are not available for the				
disposal of waste water?				
The project will operate on a sewer system that will be reviewed, approved and	installed acc	ording to Ea	astern Munic	cipal Water
District requirements. The proposed project will not be introducing septic tanks or al	ternative wa	ter disposal s	ystems.	•
		-	-	
VII. GREENHOUSE GAS EMISSIONS. Would this project?			V	
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			Х	
significant impact on the environment?				
		1.1.1.1.1.1.1.1	L . 1 . 1 <sup>2</sup>	.1
Global climate change is caused by greenhouse gas (GHG) emissions throughout the				
Global climate change is caused by greenhouse gas (GHG) emissions throughout the require worldwide solutions. Greenhouse gases are gases emitted from the earth	n's surface t	hat absorb in	nfrared radia	tion in the
Global climate change is caused by greenhouse gas (GHG) emissions throughout th require worldwide solutions. Greenhouse gases are gases emitted from the earth atmosphere. Increases in these gases lead to more absorption of radiation and war	n's surface t m the lower	hat absorb in atmosphere,	nfrared radia and therefo	tion in the re increase
Global climate change is caused by greenhouse gas (GHG) emissions throughout th require worldwide solutions. Greenhouse gases are gases emitted from the earth atmosphere. Increases in these gases lead to more absorption of radiation and war evaporation rates and temperatures on the Earth's surface. The City of Moreno V	n's surface t m the lower Valley is cur	hat absorb in atmosphere, rently in the	nfrared radia and therefo process of p	tion in the re increase preparing a
Global climate change is caused by greenhouse gas (GHG) emissions throughout the require worldwide solutions. Greenhouse gases are gases emitted from the earth atmosphere. Increases in these gases lead to more absorption of radiation and war evaporation rates and temperatures on the Earth's surface. The City of Moreno V Climate Action Strategy. However, at this time, there are no widely accepted threshold	n's surface t m the lower alley is cur olds of signif	hat absorb in atmosphere, rently in the icance for de	nfrared radia and therefo process of p termining th	tion in the re increase preparing a e impact of
Global climate change is caused by greenhouse gas (GHG) emissions throughout the require worldwide solutions. Greenhouse gases are gases emitted from the earth atmosphere. Increases in these gases lead to more absorption of radiation and war evaporation rates and temperatures on the Earth's surface. The City of Moreno V Climate Action Strategy. However, at this time, there are no widely accepted thresho GHG emissions from an individual project, or from a cumulative standpoint. As	n's surface t m the lower Valley is cur olds of signif provided fo	hat absorb in atmosphere, rently in the icance for de r in the CEQ	nfrared radia and therefo process of p termining th A Guidelin	tion in the re increase preparing a e impact of es (Section
Global climate change is caused by greenhouse gas (GHG) emissions throughout the require worldwide solutions. Greenhouse gases are gases emitted from the earth atmosphere. Increases in these gases lead to more absorption of radiation and war evaporation rates and temperatures on the Earth's surface. The City of Moreno V Climate Action Strategy. However, at this time, there are no widely accepted threshold	n's surface t m the lower Valley is cur olds of signif provided fo	hat absorb in atmosphere, rently in the icance for de r in the CEQ	nfrared radia and therefo process of p termining th A Guidelin	tion in the re increase preparing a e impact of es (Section
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Global climate change is caused by greenhouse gas (GHG) emissions throughout the require worldwide solutions. Greenhouse gases are gases emitted from the earth atmosphere. Increases in these gases lead to more absorption of radiation and war evaporation rates and temperatures on the Earth's surface. The City of Moreno V Climate Action Strategy. However, at this time, there are no widely accepted thresho GHG emissions from an individual project, or from a cumulative standpoint. As 15064.4), it is necessary for the lead agency to make a good-faith effort in considerin This project was submitted in July 2008 before the greenhouse gas emissions section	and the surface the surface the surface the surface to the surface of the surface	hat absorb in atmosphere, rently in the icance for de r in the CEQ sions on a pr to the Initial	nfrared radia and therefo process of p termining th QA Guidelin oject specific Study Chec	tion in the re increase preparing a e impact of es (Section c basis. klist and is
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Global climate change is caused by greenhouse gas (GHG) emissions throughout the require worldwide solutions. Greenhouse gases are gases emitted from the earth atmosphere. Increases in these gases lead to more absorption of radiation and war evaporation rates and temperatures on the Earth's surface. The City of Moreno V Climate Action Strategy. However, at this time, there are no widely accepted thresho GHG emissions from an individual project, or from a cumulative standpoint. As 15064.4), it is necessary for the lead agency to make a good-faith effort in considerin This project was submitted in July 2008 before the greenhouse gas emissions section consistent of the project with the City's adopted General Plan and zoning, therefor analysis. The proposed project is located at 22184 Alessandro Boulevard and includ	a's surface t m the lower Valley is cur- olds of signif provided fo g GHG emiss m was added ore the City es three app	hat absorb in atmosphere, rently in the icance for de r in the CEQ sions on a pr to the Initial has chosen t lications: Gen	nfrared radia and therefo process of p termining th A Guidelin oject specific Study Chec to rely on a neral Plan A	tion in the re increase preparing a e impact of es (Section c basis. klist and is qualitative mendment,
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
materials into the environment?				
The proposed project, a commercial smog and tire shop consisting of an office but existing and will be remodeled). The smog aspect of the business is as a "testing of site. There will be no significant hazard to the public or the environment. There we of hazardous materials related to this project.	center" only, n will be no know	o auto repairs	are to be con	nducted on
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	
The proposed project, a commercial smog and tire shop consisting of an office but existing and will be remodeled). The smog aspect of the business is as a "testing of site. There will be no significant hazard to the public or the environment. There will be hazardous materials related to this project. The nearest school, Towngate Elementary School, is over a mile away from the p	center" only, n will be no know	o auto repairs wn hazardous	are to be con	nducted on
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
The project is not located on a list of hazardous materials sites compiled pursuant		nt Code Sectio	on 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	
The nearest airport is the March Air Reserve Base located to the south. The disproject site is not within the crash zones or the noise contours identified in the (AICUZ) study (Municipal Code Section 9.07.060). The site is not within an airport of the statement	e most recent	Air Installatio		
f) For a project within the vicinity of a private airstrip, would the project result in				Х
safety hazard for people residing or working in the project area? The project is not located within an airport land use plan. The project is located	d approximate	ely 1 mile nor	th of March	Air Reserve
Base.		-		1
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				Х
The proposed project would not have any direct effect on an adopted emergency City has an adopted Hazardous Waste Management Plan as part of its General P to hazardous materials. The City's emergency plans are also consistent with consistent with the General Plan, the proposed project would not be in com	lan, which add the General filict in any v	dresses emerge Plan. Since way with the	ency respons the propose emergency	e pertaining d project is
emergency evacuation plans. The project is not located within a designated wildl	and area wher	e fires are pos	sible.	V
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized are or where residences are intermixed with wildlands?				X
The proposed project site is not adjacent to wildlands, and as such would not expinitive or death involving wildland fires. In addition, the project is not located wildland fires. IN ADDROLOGY AND WATER QUALITY. Would the project:				risk of loss,
a) Violate any water quality standards or waste discharge requirements?			X	
Pursuant to the requirements of the Santa Ana Regional Water Quality Control I Plan (WQMP) is required of certain projects involving discretionary approval. pollutants of concern which include nutrients, oxygen demanding substances, an the project parcel (under 5 acres). Proposed grading activities may temporarily contribute to downstream sedimentation. The proposed project would comply wi with urban water runoff and discharge set forth by the City of Moreno Valley ar the approval of the storm drainage facilities by the City Engineer and Riverside	This project d pathogens (l v expose soils th all permits a nd the Regiona	t did not request did not request and vectoria and vector to wind and vector and developmental Water Quality	tter Quality N ire a WQMI iruses) due to water erosion ent guideline ity Control E	P to address the size of that would s associated board. With
with all applicable storm water discharge permits, impacts would be less than sign 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)?	a		X	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

applicant has received permission from Box Springs Water District to allow the project to connect to Eastern Municipal Water District (EMWD) in order to meet the fre flow demands required by the City of Moreno Valley's Fire Prevention Bureau. With the onsite fire hydrant serviced by EMWD, 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.	This project is located within the Box Springs Water District, which has capacity is	sues with reg	gards to fire	flow require	ments. The
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of the rear of the parcel is within "Zone X", which is defined by FEMA as "area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods." The majority of the parcel (and where the existing structures are located) are not within a flood zone.         i) Expose people or structures to a significant risk of loss, injury or death       X	An inspection of the site shows no evidence of concentrated drainage. The current	Federal Eme	ergency Man	agement maj	os (FEMA)
the limits of the 100-year and 500-year floods." The majority of the parcel (and where the existing structures are located) are not within a flood zone. i) Expose people or structures to a significant risk of loss, injury or death X	maps indicate that a small section of the site is in a flood zone (FIRMette map Panel	# 745 dated	August 28 2	(000) The ar	nall section
the limits of the 100-year and 500-year floods." The majority of the parcel (and where the existing structures are located) are not within a flood zone. i) Expose people or structures to a significant risk of loss, injury or death X		n / no aarea	rugust 20, 2	(008). The sh	
within a flood zone.         i) Expose people or structures to a significant risk of loss, injury or death         X					
i) Expose people or structures to a significant risk of loss, injury or death X		moderate flo	od hazard, u	sually the ar	ea between
	the limits of the 100-year and 500-year floods." The majority of the parcel (and w	moderate flo	od hazard, u	sually the ar	ea between
	the limits of the 100-year and 500-year floods." The majority of the parcel (and w within a flood zone.	moderate flo	od hazard, u	sually the ar	ea between ed) are not

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
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The project is outside of the delineated dam inundation area for Perris Dam at Lake Perris Reservoir.					
j) Inundation by seiche, tsunami, or mudflow?				Х	
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?				Х	

The project site is surrounded by mixed group of land uses including Residential/Office (R/O) to the north, east and west of the parcel. There is some Residential 5 (R5) to the northeast of the project site. The neighboring parcels along the front of Alessandro Boulevard are Commercial (C) with Business Park (BP) to the south (across the street along Alessandro Boulevard).

As far as zoning, the project site is the only Office/Commercial (OC) parcel in the surrounding neighborhood. The Residential zoning is a mix of Residential 10 (R10) and Residential 15 (R15) with some Residential 5 (R5). Along Alessandro Boulevard from the Old 215 Frontage Road east to Elsworth Street is zoned Commercial (CC).

The project is located in an area of Moreno Valley referenced to as "Edgemont". The majority of the structures within this area are older single and small multiple-family residences with a few commercial and office uses along the major corridor of Alessandro Boulevard. The project site has an existing older single-family residence with a separate garage structure that currently is vacant located in the front 1/3 of the parcel. The remaining 2/3 of the parcel is currently vacant.

b) Conflict with an applicable land use plan, policy or regulation of an agency		Х	
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?			

There are no conflicts associated with any land use plans with the approval of the General Plan Amendment and Change of Zone. The proposed project is consistent with the proposed "Community Commercial" zoning within the City's Municipal Code and General Plan. The project requires the front 1/3 of the parcel's zoning to be changed from Office Commercial (OC) to Community Commercial (CC). The rest of the parcel will remain in the Residential 10 (R10) zoning district. Approximately .54 acres of the 1.46 acre site will be rezoned to CC and approximately .92 acres will remain R10.

There was a previous approved application (PA03-0037) for the same business that unfortunately expired. The project was approved back in October 2003 when the site was zoned Community Commercial (CC). During the 2006 General Plan Update, the parcel was rezoned to Office/Commercial (OC). Changing the zoning back to Community Commercial (CC) will not cause any conflicts of land use as all the parcels along Alessandro Boulevard are also Community Commercial (CC). Leaving the rear 2/3 of the parcel R10, will create a buffer for the neighboring residential uses.

c) Conflict with any applicable habitat conservation plan or natural community				Х
conservation plan?				
The City of Moreno Valley is participating in the Multiple Species Habitat Conserva-	ation Plan (M	SHCP), a con	mprehensive	habitat
conservation-planning program addressing multiple species' needs, including presen	vation of hab	itat and nativ	e vegetation	in Western
Riverside County. The project is not within any of the MSHCP criteria areas, PQP	land, or any sj	pecial survey	areas.	
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of			Х	
value to the region and the residents of the state?				
The project site is located in an urbanized area with additional development occu	rring in the v	vicinity. No a	active mines	or minera
recovery programs are currently active within the project site. No mineral dep	osits have b	een identifie	d in the Ge	eneral Plan
consequently, the development of the project site would not conflict with a miner	al recovery p	lan as adopte	ed by the G	eneral Plan
Therefore, no significant impacts would occur.	• •	-	•	
b) Result in the loss of availability of a locally-important mineral resource			Х	
recovery site delineated on a local general plan, specific plan or other land use				
plan?				
The project site is located in an urbanized area with additional development occu	rring in the v	vicinity. No a	active mines	or minera
recovery programs are currently active within the project site. No mineral dep	osits have b	een identifie	d in the Ge	eneral Plan
consequently, the development of the project site would not conflict with a miner	al recovery p	lan as adopte	ed by the G	eneral Plan
Therefore, no significant impacts would occur.		-		
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards			Х	

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

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
other agencies?				
The proposed project has incorporated the City's conditions of approval into operation activities would be restricted to Monday through Friday from 6:00 Al to 8:00 PM on weekends and holidays. As a result, no significant impacts would Permanent noises associated with the proposed residential uses include, but are re equipment. However, these noise sources would be typical of land uses in the a and less than the permanent noises associated with the Office use currently estat would not introduce unique noise sources. Finally, the City's conditions of app	M to 8:00 PM, occur. not limited to, p adjacent area as blished at this si	excluding holi eople talking, proposed by t te. Therefore,	idays, ad from radios playir the General F , the project a	m 7:00 AM ng and lawr Plan Update as proposed
that would ensure land use compatibility with regards to noise resulting from the b) Exposure of persons to or generation of excessive groundborne vibration or	e project site.		X	
groundborne noise levels?				
Development of the project may result in ground-borne vibrations or noise ge				ction phase
However, this type of effect would be temporary and infrequent and is not expect c) A substantial permanent increase in ambient noise levels in the project vicinity		ring project op	X X	
above levels existing without the project?	LY			
to 8:00 PM on weekends and holidays. As a result, no significant impacts would Permanent noises associated with the proposed residential uses include, but are n equipment. However, these noise sources would be typical of land uses in the a and less than the permanent noises associated with the Office use currently estable would not introduce unique noise sources. Finally, the City's conditions of app that would ensure land use compatibility with regards to noise resulting from the	not limited to, p adjacent area as plished at this si proval have bee	proposed by t te. Therefore,	the General I , the project a	Plan Updat as propose
<ul><li>d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</li></ul>			X	
to 8:00 PM on weekends and holidays. As a result, no significant impacts would Permanent noises associated with the proposed residential uses include, but are requipment. However, these noise sources would be typical of land uses in the a	not limited to, p adjacent area as	proposed by t	the General I	Plan Updat
and less than the permanent noise sources would be typical of rand uses in the a would not introduce unique noise sources. Finally, the City's conditions of app that would ensure land use compatibility with regards to noise resulting from the e) For a project located within an airport land use plan, or, where such a plan ha not been adopted, within two miles of a public airport or public use airport, wou the project expose people residing or working in the project area to excessive no levels?	proval have bee project site. s ld			
and less than the permanent noises associated with the Office use currently estable would not introduce unique noise sources. Finally, the City's conditions of app that would ensure land use compatibility with regards to noise resulting from the 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 no levels? The project is located near the March Air Reserve Base but outside the boundar District (AICUZ). This is an overlay district that restricts land use on proper March Air Reserve Base. The AICUZ includes elements that address noise zo located outside the mapped noise contours associated with aircraft operations at aircraft operations in less than 60 decibels (CNEL). This is well below the accord JPA identified that the project is restricted by FAA Part 77, which limits buil proposed has a maximum height of 36-feet and will not be in conflict with height	proval have bee project site. s Id ise ries of the Air I ties located to ones and accident the MARB air epted noise exp Iding heights in the restrictions from	n incorporated nstallation Co the north and nt potential zo field, indicatin osure level for n this area to	The provide the provide the provide the provide the provide the provided the provid	Jse Overla runway c oject site i osure due t ses. Marc e project a serve Base
and less than the permanent noises associated with the Office use currently estable would not introduce unique noise sources. Finally, the City's conditions of app that would ensure land use compatibility with regards to noise resulting from the e) For a project located within an airport land use plan, or, where such a plan ha 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 no levels? The project is located near the March Air Reserve Base but outside the boundant District (AICUZ). This is an overlay district that restricts land use on proper March Air Reserve Base. The AICUZ includes elements that address noise zo located outside the mapped noise contours associated with aircraft operations at aircraft operations in less than 60 decibels (CNEL). This is well below the accord JPA identified that the project is restricted by FAA Part 77, which limits bui proposed has a maximum height of 36-feet and will not be in conflict with heigh 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?	proval have bee project site. s Id ise ries of the Air I ties located to ones and accide the MARB air epted noise exp Iding heights in trestrictions froe	n incorporated nstallation Co the north and nt potential zo field, indicatin osure level for n this area to	The provide the provide the provide the provide the provide the provided the provid	Jse Overla runway o oject site i osure due t ses. Marci e project a
and less than the permanent noises associated with the Office use currently estable would not introduce unique noise sources. Finally, the City's conditions of app that would ensure land use compatibility with regards to noise resulting from the e) For a project located within an airport land use plan, or, where such a plan ha 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 no levels? The project is located near the March Air Reserve Base but outside the boundard District (AICUZ). This is an overlay district that restricts land use on proper March Air Reserve Base. The AICUZ includes elements that address noise zo located outside the mapped noise contours associated with aircraft operations at aircraft operations in less than 60 decibels (CNEL). This is well below the accord JPA identified that the project is restricted by FAA Part 77, which limits but proposed has a maximum height of 36-feet and will not be in conflict with heigh 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? There is no private airstrip within the vicinity of the site, or within the City of M	proval have bee project site. s Id ise ries of the Air I ties located to ones and accide the MARB air epted noise exp Iding heights in trestrictions froe	n incorporated nstallation Co the north and nt potential zo field, indicatin osure level for n this area to	The provide the provide the provide the provide the provide the provided the provid	Jse Overlag runway o oject site i osure due te ses. Marcl e project a serve Base.
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and less than the permanent noises associated with the Office use currently estable would not introduce unique noise sources. Finally, the City's conditions of app that would ensure land use compatibility with regards to noise resulting from the e) For a project located within an airport land use plan, or, where such a plan ha 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 no levels? The project is located near the March Air Reserve Base but outside the boundard District (AICUZ). This is an overlay district that restricts land use on proper March Air Reserve Base. The AICUZ includes elements that address noise zo located outside the mapped noise contours associated with aircraft operations at aircraft operations in less than 60 decibels (CNEL). This is well below the accord JPA identified that the project is restricted by FAA Part 77, which limits buit proposed has a maximum height of 36-feet and will not be in conflict with heigh 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? There is no private airstrip within the vicinity of the site, or within the City of M XIII. <b>POPULATION AND HOUSING.</b> Would the project: a) Induce substantial population growth in an area, either directly (for example, proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? As the site is considered a commercial site, with population and housing growth	proval have bee project site. Is Id ise ries of the Air I ties located to ones and accident the MARB air epted noise exp Iding heights in the restrictions from the value of the Air I toreno Valley.	n incorporated nstallation Co the north and nt potential zo field, indicatin osure level for n this area to om adjacent M	d into the pro X mpatibility U south of the ones. The pr ng noise expor r industrial u 85-feet. The Iarch Air Res X	Jse Overlag runway o oject site i osure due te ses. Marcl e project a serve Base. X
and less than the permanent noises associated with the Office use currently estable would not introduce unique noise sources. Finally, the City's conditions of app that would ensure land use compatibility with regards to noise resulting from the e) For a project located within an airport land use plan, or, where such a plan ha 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 no levels? The project is located near the March Air Reserve Base but outside the boundant District (AICUZ). This is an overlay district that restricts land use on proper March Air Reserve Base. The AICUZ includes elements that address noise zo located outside the mapped noise contours associated with aircraft operations at aircraft operations in less than 60 decibels (CNEL). This is well below the accord JPA identified that the project is restricted by FAA Part 77, which limits buit proposed has a maximum height of 36-feet and will not be in conflict with heigh 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? There is no private airstrip within the vicinity of the site, or within the City of M XIII. <b>POPULATION AND HOUSING.</b> Would the project: a) Induce substantial population growth in an area, either directly (for example, proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	proval have bee project site. Is Id ise ries of the Air I ties located to ones and accider the MARB air epted noise exp Iding heights in trestrictions from oreno Valley. by opportunities in	n incorporated nstallation Co the north and nt potential zo field, indicatin osure level for n this area to om adjacent M	d into the pro X mpatibility U south of the ones. The pr ng noise expor r industrial u 85-feet. The Iarch Air Res X	Jse Overla runway c oject site i osure due t ses. Marc e project a serve Base X

Issues and Supporting Information	Potentially	Less than	Less Than	No Impact
	Significant Impact	Significant With	Significant Impact	
	impact	Mitigation	impact	
		Incorporated		
While there is an existing residence on the site, it has been vacant for some time no	w (application	on submitted i	n 2008).	I
c) Displace substantial numbers of people, necessitating the construction of				Х
replacement housing elsewhere?				
No - While there is an existing residence on the site, it has been vacant for some time				
XIV. <b>PUBLIC SERVICES</b> . Would the project result in substantial adverse physi				
or physically altered government facilities, need for new or physically altered government				
cause significant environmental impacts, in order to maintain acceptable service rat	tios, response	e times or othe	er performanc	ce
objectives for any of the public services: a) Fire protection?	[	Γ	X	
There will be an incremental increase in the demand for new or altered public s	services incl	uding library		d aity yard
facilities. These facilities would be needed with or without the project. Envi				
proposed library as part of the future city hall complex.		eview has all	catty been t	one for the
b) Police protection?			X	
There will be an incremental increase in the demand for new or altered public s	services incl	uding library		d city yard
facilities. These facilities would be needed with or without the project. Envi				
proposed library as part of the future city hall complex.				
c) Schools?			X	
There will be an incremental increase in the demand for new or altered public s	services incl	uding library,	city hall, an	d city yard
facilities. These facilities would be needed with or without the project. Envi				
proposed library as part of the future city hall complex.			-	
d) Parks?			X	
There will be an incremental increase in the demand for new or altered public s	services incl	uding library,	city hall, an	d city yard
facilities. These facilities would be needed with or without the project. Envi	ronmental r	eview has alr	eady been d	one for the
proposed library as part of the future city hall complex.			-	
e) Other public facilities?			Х	
There will be an incremental increase in the demand for new or altered public s				
facilities. These facilities would be needed with or without the project. Envi	ronmental r	eview has alr	eady been d	one for the
proposed library as part of the future city hall complex.			1	
<ul><li>XV. RECREATION.</li><li>a) Would the project increase the use of existing neighborhood or regional parks</li></ul>				X
or other recreational facilities such that substantial physical deterioration of the				л
facility would occur or be accelerated?				
The General Plan Amendment and Change of Zone would have no direct impact	on recreation	nal facilities	<u> </u>	t within the
project area will be required to pay development impact fees for residential use			1	
recreation facilities within the City of Moreno Valley.				80 00 00000
b) Does the project include recreational facilities or require the construction or				Х
expansion of recreational facilities which might have an adverse physical effect on				
the environment?				
The General Plan Amendment and Change of Zone would have no direct impact	on recreation	nal facilities.	Developmen	t within the
project area will be required to pay development impact fees for residential use	es. Part of	the commerci	al fees will	go towards
recreation facilities within the City of Moreno Valley.		I	1	1
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of			Х	
effectiveness for the performance of the circulation system, taking into account all				
modes of transportation including mass transit and non-motorized travel and				
relevant components of the circulation system, including but not limited to				
intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
The project is consistent with the proposed general plan, circulation plan and land	use designat	ion of Comme	ercial (C) and	the zoning
district of Community Commercial (CC), and would not conflict with any applicab				, are zoning
b) Conflict with an applicable congestion management program, including, but not			X	
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?				
A traffic study was not required by the Transportation Department for this project.				

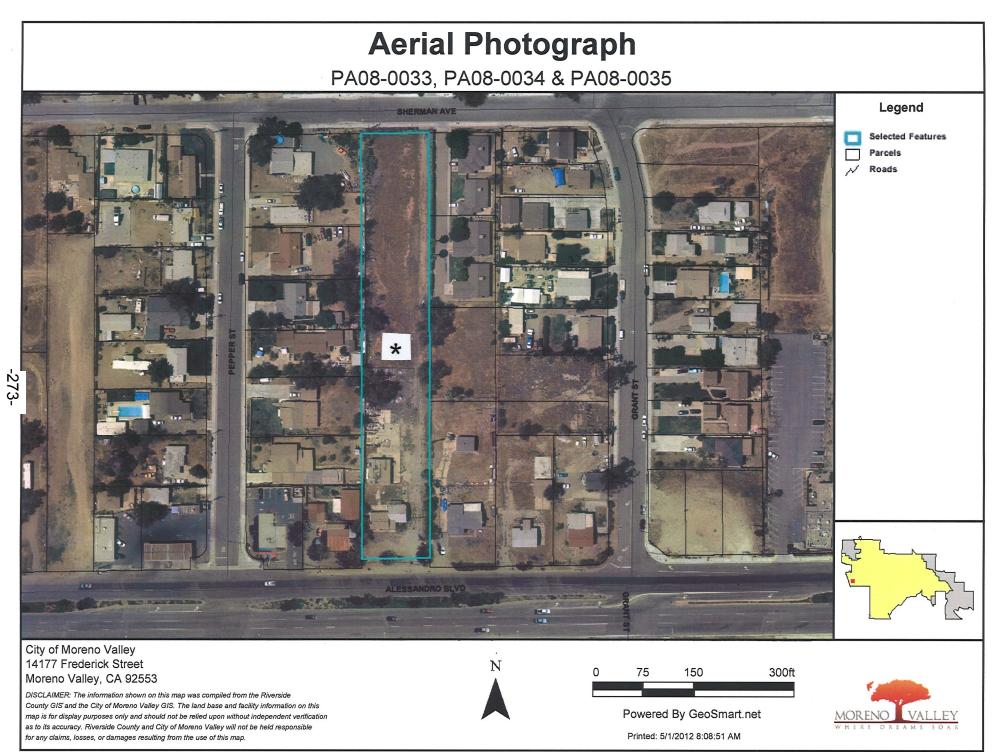
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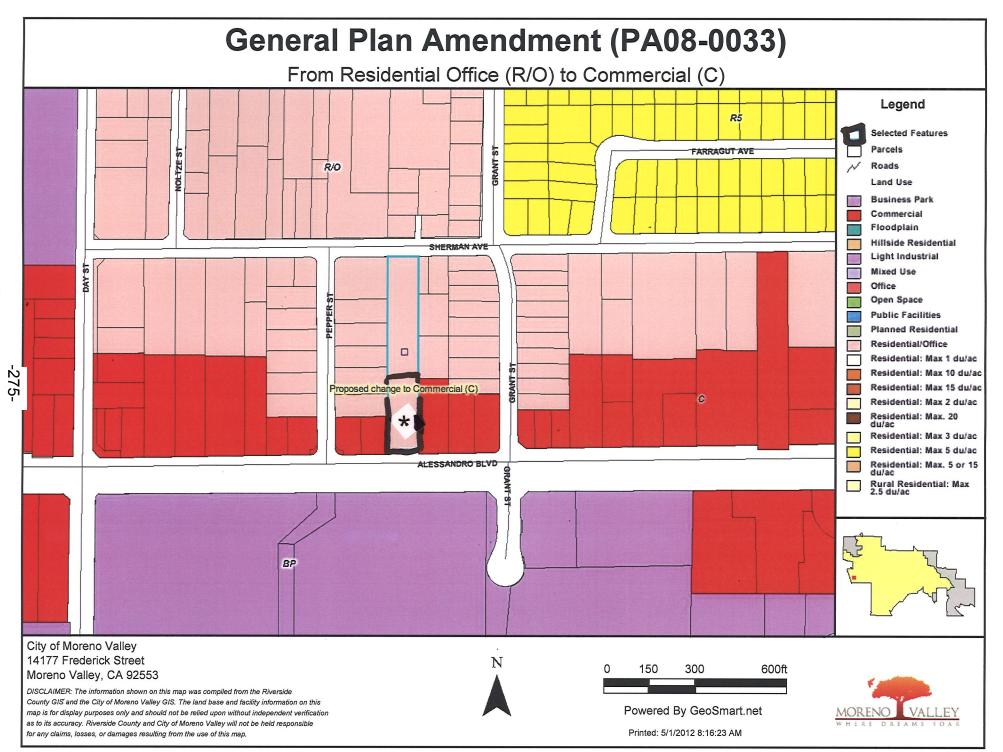
Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
The project is located near the March Air Reserve Base, but outside of the bo	oundaries of t	the Air Install	ation Compa	1 Itibility Use
Overlay District (AICUZ). This project will not result in a change in air traffic p or a change in location that results in substantial safety risks.				
d) Substantially increase hazards to a design feature (e.g., sharp curves or				Х
dangerous intersections) or incompatible uses (e.g. farm equipment)?				
As designed, the project will not result in hazards. The project is not adjacent to a	any potential i	ncompatible u	ises.	
e) Result in inadequate emergency access?				Х
The project has been designed in a manner consistent with City standards. The sit		lily accessible	for emergen	cy 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
The project does not conflict with adopted policies, plans and programs regardidecrease the safety performance of such facilities.	ing public tra	nsit, bicycle o	r pedestrian	facilities or
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:			-	
a) Exceed wastewater treatment requirements of the applicable Regional Water				Х
Quality Control Board?				
The project will not exceed wastewater treatment requirements of the Regional W exceed the existing or planned capacity of the Moreno Water Reclamation Facility	у.	Control Board.	The project	
b) Require or result in construction of new water or wastewater treatment facilitie				Х
or expansion of existing facilities, the construction of which could cause significa	nt			
environmental effects?				
The project will not exceed wastewater treatment capacity of the Moreno Water R	Reclamation F	acility.		1
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
The project will not require or result in the construction of unplanned storm facilities.	water draina	ge facilities c	or expansion	of existing
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				Х
This project was determined to not be a project of regional significance per CEQ	A guidelines	, so the prepar	ation of a W	ater Supply
Assessment was not required.				T
e) Result in a determination by the wastewater treatment provider which serves o may serve the project determined that it has adequate capacity to serve the project projected demand in addition to the provider's existing commitments?				X
EMWD, the wastewater treatment provider, has adequate capacity to serve commitments. EMWD has plans for major expansions of the Moreno Water Rec Update.				
f) ) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	e			Х
The General Plan Amendment and Change of Zone itself has no direct impact accommodate the future development.	ts on solid w	aste. There is	adequate in	landfills to
g) Comply with federal, state, and local statues and regulations related to solid				Х
waste? The City is complying with State and Federal regulations regarding solid waste.	All future proj	jects will comp	oly with the c	current
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			X	
eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	a			

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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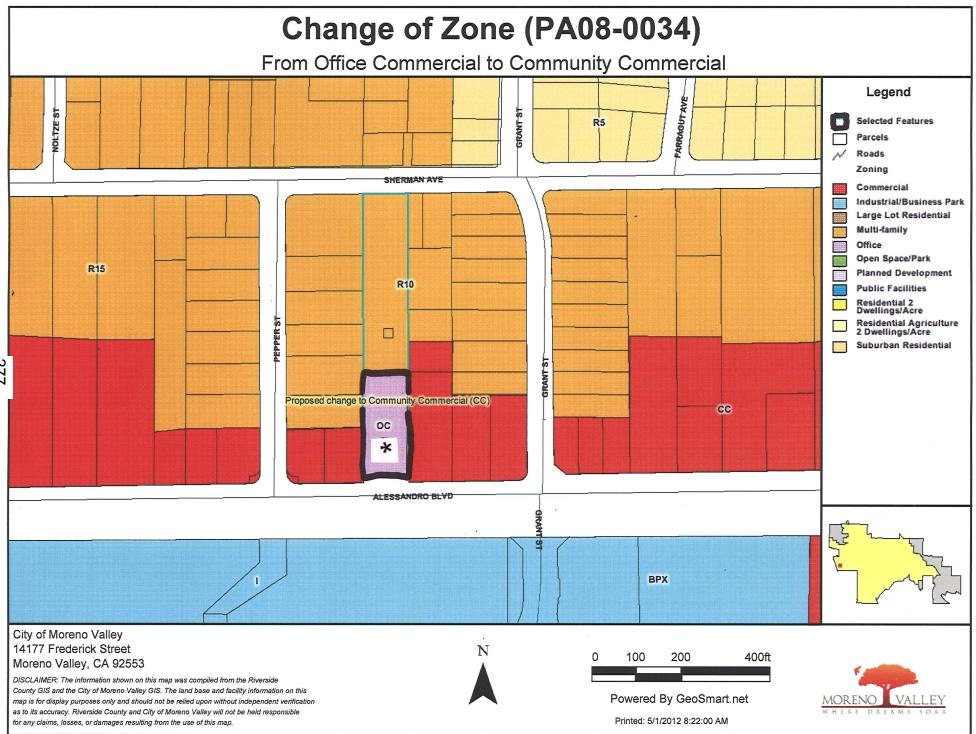
The project would not significantly degrade the quality of the environment or reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. There are no historic structures on the site, and there will be no impact to historic resources. The project will not eliminate important examples of the major periods of California history or prehistory. The							
analysis in this Initial Study demonstrates that project and cumulative impacts wo	uld be less t	han significa	nt. Finally,	the project			
consists of a tentative tract map that would result in no substantial adverse health effe	ects on huma	n beings.	-				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of			Х				
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)?							
This project will not create any impacts, that when viewed in connection with a	l avicting land	uses and a	thar recently	approved			
1 5 5 1 7	•	· · · · · · · · · · · · · · · · · · ·	•				
projects, would be considered cumulatively considerable. It is not expected that t	1 1	1 5					
effects. The analysis in this Initial Study demonstrates that the proposed project cur	nulative impa	cts would be	less than sig	nificant.			
c) Does the project have environmental effects which will cause substantial			Х				
adverse effects on human beings, either directly or indirectly?							
The project consists of a General Plan Amendment, Change of Zone and Conditiona		· /	1 5	0			
conditioned will not cause substantial adverse effects on human beings, either direct	etly or indire	etly for the r	easons descr	ibed in this			

conditioned will not cause substa checklist/initial study.



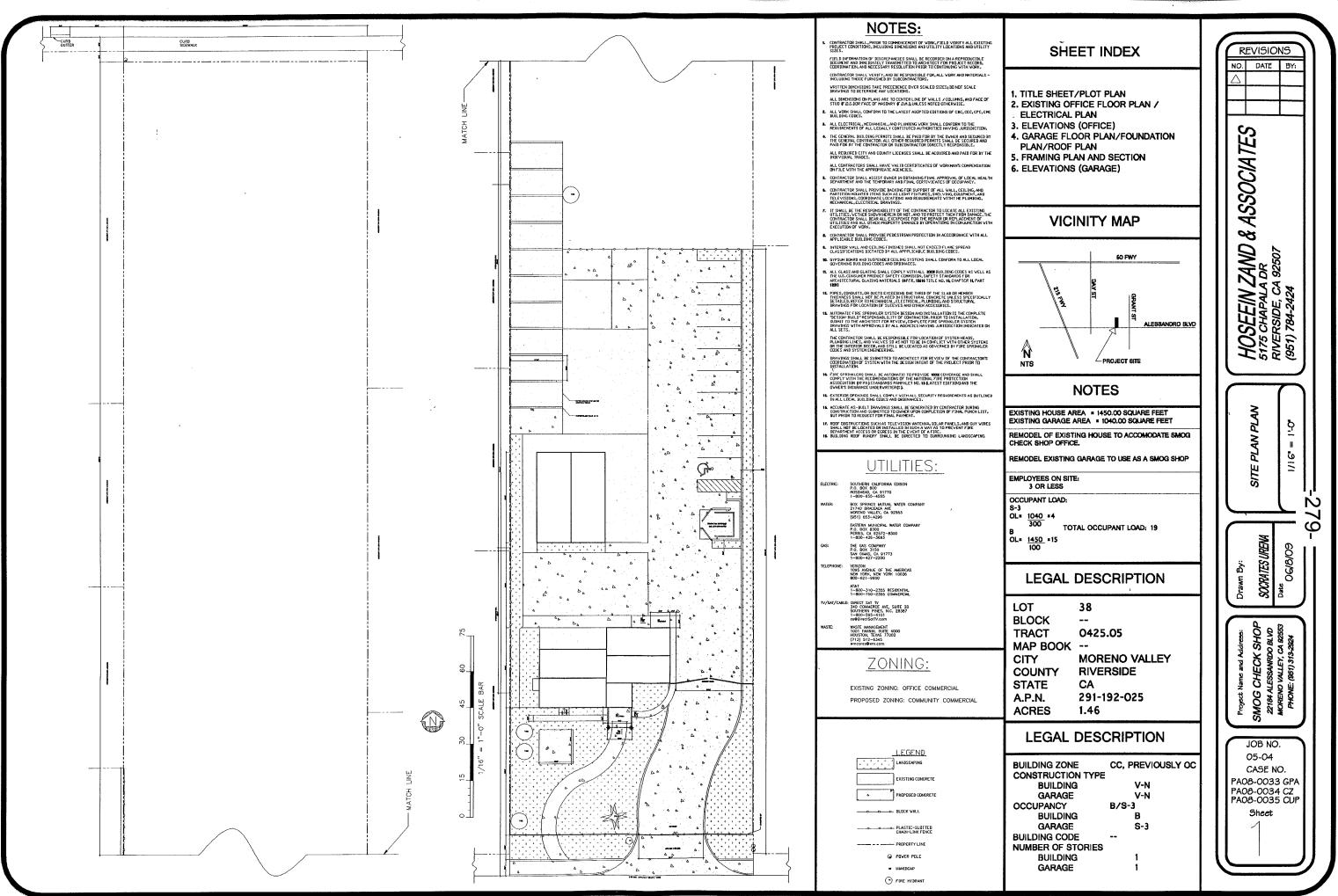


**ATTACHMENT 6** 

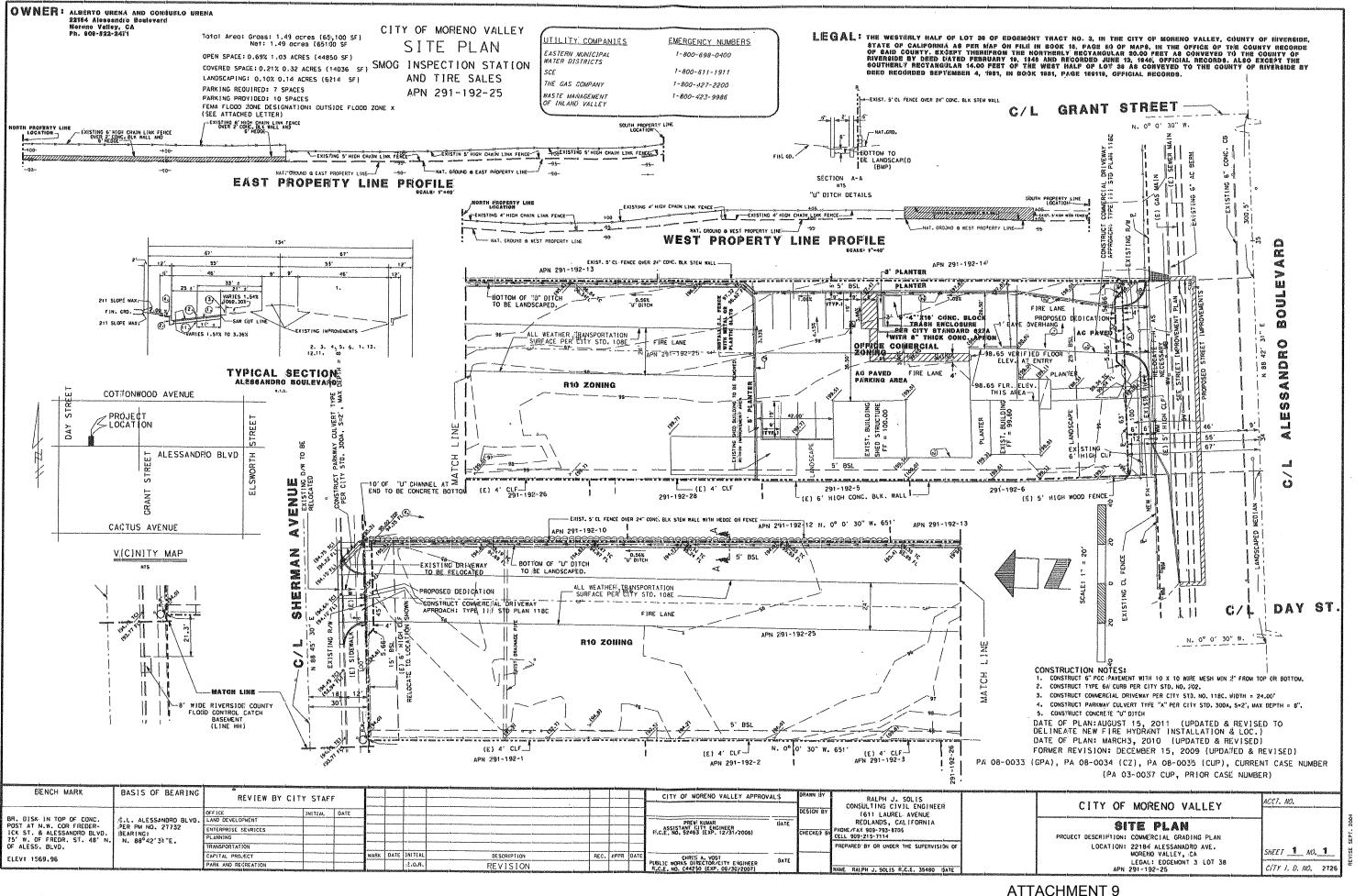


**ATTACHMENT 7** 

-277



**ATTACHMENT 8** 



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