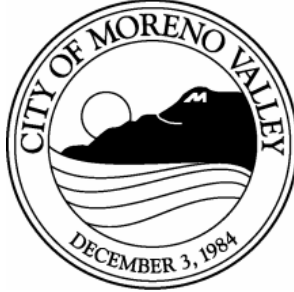

PLANNING COMMISSIONERS

MELI VAN NATTA
Chair

AMBER CROTHERS
Vice-Chair

RAY L. BAKER
Commissioner



JEFFREY GIBA
Commissioner

CARLOS RAMIREZ
Commissioner

BRIAN LOWELL
Commissioner

JEFFREY SIMS
Commissioner

PLANNING COMMISSION AGENDA

August 22, 2013

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

PUBLIC HEARING ITEMS

1. Case Description: P13-085 - Expanded Planning Review
Applicant: Ridge Property Trust
Owner: Ridge Property Trust
Representative: Dennis Rice
Location: Joy Street between Cactus Avenue and Brodiaea Avenue.
Proposal: Vacation of Joy Street from Cactus Avenue to Brodiaea Avenue as conditioned by approved Plot Plan PA12-0020, LD45.
Case Planner: Mark Sambito, Case Engineer

Recommendation: That the Planning Commission: **FINDS** that the proposed vacation of Joy Street is in conformance with the General Plan and current zoning.

2. Case Description: PA13-0009 Conditional Use Permit
P13-075 Variance

(Continued item from Planning Commission Meeting of July 11, 2013)

- Applicant: The Kroger Company
Owner: John C Taylor
Representative: Leslie Burnside
Location: NEC Alessandro Boulevard & Indian Street
Proposal: The construction of a four island fueling station to include a 240 square foot kiosk with a Variance for a reduction in landscaping along the east property line. The site is in the Neighborhood Commercial zone.
Case Planner: Julia Descoteaux

Recommendation: **APPROVE** Resolution No. 2013-20 and thereby:

1. **RECOGNIZE** that PA13-0009 (Conditional Use Permit) and P13-075 (Variance) qualify as an exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332 (In-Fill Development Projects); and,
2. **APPROVE** PA13-0009 (Conditional Use Permit) and P13-075 (Variance) subject to the attached conditions of approval included as Exhibit A.

3. Case Description: PA13-0023 Conditional Use Permit
Applicant: Hector Diaz
Owner: JRMVP
Representative: Hector Diaz
Location: 23040 Alessandro Boulevard
Proposal: A Conditional Use Permit for live entertainment within an existing restaurant to include karaoke and live music with dancing. The existing restaurant is in the Neighborhood Commercial zone.
Case Planner: Julia Descoteaux

Recommendation: **APPROVE** Resolution No. 2013-23 and thereby:

1. **RECOGNIZE** PA13-0023 (Conditional Use Permit) qualifies as an exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities); and,
2. **APPROVE** PA13-0023 (Conditional Use Permit) subject to the attached conditions of approval included as Exhibit A.

4. Case Description: P13-061 - An Amended Conditional Use Permit (PA05-0057) and Tract Map (PA04-0108) for a 174 lot subdivision.
Applicant: Mission Pacific Land Company
Owner: Mission Pacific Land Company
Representative: John Abel and Jason Keller
Location: Northeast corner of Pigeon Pass Road and Old Lake Road.
Proposal: An Amended Conditional Use Permit (PA05-0057) and Tract Map No. 32515 (PA04-0108) for a Planned Unit Development to remove the age restricted senior housing use requirement from an originally approved 174 lot detached clustered courtyard residential community on a 38.4 net-acre parcel of land in the R5 (Residential 5) land use district.
Case Planner: Mark Gross

Recommendation: **APPROVE** Resolution No. 2013-25 and thereby:

1. **ADOPT** an Addendum to the original Negative Declaration pursuant to Section 15164 of the California Environmental Quality Act: and,

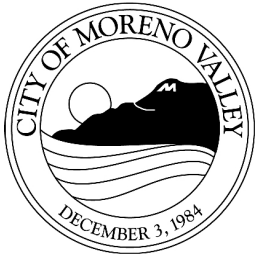
2. **APPROVE** P13-061 for an Amended Conditional Use Permit (PA05-0057) and Tract Map 32515 (PA04-0108) for the removal of age restricted language for a 174 lot detached clustered residential community on a 38.4 net-acre parcel of land in the R5 (Residential 5) land use district based on the findings included in the attached resolution, subject to the amended conditions of approval included as Exhibits A and B to the resolution.

OTHER BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT



PLANNING COMMISSION STAFF REPORT

Case: P13-082 (Expanded Planning Review)

Date: August 22, 2013

Applicants: Ridge Property Trust

Representatives: Dennis Rice

Location: West of Graham Street between Cactus Avenue and Brodiaea Avenue

Proposal: Vacation of Joy Street between Cactus Avenue and Brodiaea Avenue

Recommendation: Approval

SUMMARY

The applicant has submitted a request for the vacation of Joy Street in accordance with Condition of Approval LD45 for PA12-0020.

PROJECT DESCRIPTION

Project

The applicant, Ridge Property Trust, has submitted an application for the street vacation of Joy Street in accordance with Condition of Approval LD45 for PA12-0020.

On December 11, 2012, the City Council approved PA12-0020 an Amended Plot Plan to add 507,720 SF to an existing 779,016 SF warehouse building for a total of 1,286,736 SF on an 18.6 acre site.

On July 23, 2013, the Community & Economic Development Director of the City of Moreno Valley approved PA13-0012, a Tentative Parcel Map for the 507,720 square foot expansion of the existing distribution warehouse building on approximately 18.6 acres. The project is located at the west side of Graham Street, between Cactus Avenue and Brodiaea Avenue. The project conditions of approval require the vacation of Joy Street in order to accommodate the project's proposed building expansion. The recently approved plot plan requires the same condition of approval.

City staff requires that the vacation be completed prior to issuance of building permits as per the conditions of approval. However, for the purpose of removing unwanted encumbrances from the project site in advance of the design drawings, the developer is requesting the vacation at this time. In addition, as part of the purchase and sales agreement between the private parties, the vacation of Joy Street is required in order for the exchange of property to move forward.

Pursuant to State Highway Code, a finding from the Planning Commission that the vacation of Joy Street is in conformance with the current General Plan and Zoning Ordinance is required prior to formal review and action by the City Council on the requested street vacation.

Surrounding Area

Properties surrounding the project include the Cactus Avenue and March JPA property to the south. To the west is vacant property zoned Light Industrial, and includes the Riverside County Waste Management offices. To the north, the vacant properties are zoned Light Industrial. To the east of the project is industrial property, zoned Light Industrial.

REVIEW PROCESS

Land Development staff has reviewed the request for the street vacation based on the recent existing Parcel Maps and other information provided by the applicant. Staff has determined that the vacation of Joy Street as described and shown in the exhibits attached to the proposed City Council resolution is consistent with Section 66477.5 of the Government Code (Subdivision Map Act) and in accordance with Section 8300 of the Streets & Highway Code.

Planning Commission Staff Report
Page 3

Planning staff has reviewed the applicant's request to vacate the portion of Joy Street and has determined that it is consistent with the City's Zoning Ordinance and General Plan. Joy Street is not a required General Plan street and is not required to provide access to the proposed development project or adjacent properties. Any existing utilities will be protected in place with easements or relocated by the applicant.

NOTIFICATION

A notice was published in the newspaper and a public display notice was posted on the project site and at required City locations. Written notice of the intent to vacate Joy Street has been sent to the various utility companies, in addition to those businesses and residents within 300-feet of the project boundaries.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Notice of Vacation; which was sent to all potentially affected utility purveyors.

<u>Utility</u>	<u>Response Date</u>	<u>Comments</u>
AT&T California	08-05-2013	AT&T has no facilities within the vacation area. They have no objection to the proposed vacation.
Gas Company	07-31-2013	The Gas Company has facilities within the vacation area at the intersection of Joy and Brodiaea. They have requested that an easement be reserved.

STAFF RECOMMENDATION

That the Planning Commission:

1. **FINDS** that the proposed vacation of Joy Street is in conformance with the General Plan and current zoning.

Prepared by:

Mark W. Sambito, P.E.
Engineering Division Manager

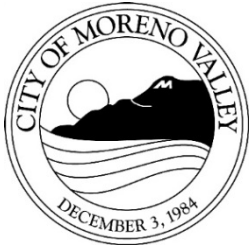
Approved by:

Chris Ormsby, AICP
Interim Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Plat of Vacation limits

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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: P13-085 (Expanded Planning Review)

APPLICANT/OWNER: Ridge Property Trust

REPRESENTATIVE: Ride Property Trust, Dennis Rice

LOCATION: Joy Street between Cactus Avenue and Brodiaea Avenue.

PROPOSAL: Vacation of Joy Street from Cactus Avenue to Brodiaea Avenue as conditioned by approved Plot Plan PA12-0020.

ENVIRONMENTAL DETERMINATION: The project does not have the potential for any significant impacts on the environment.

COUNCIL DISTRICT: 5

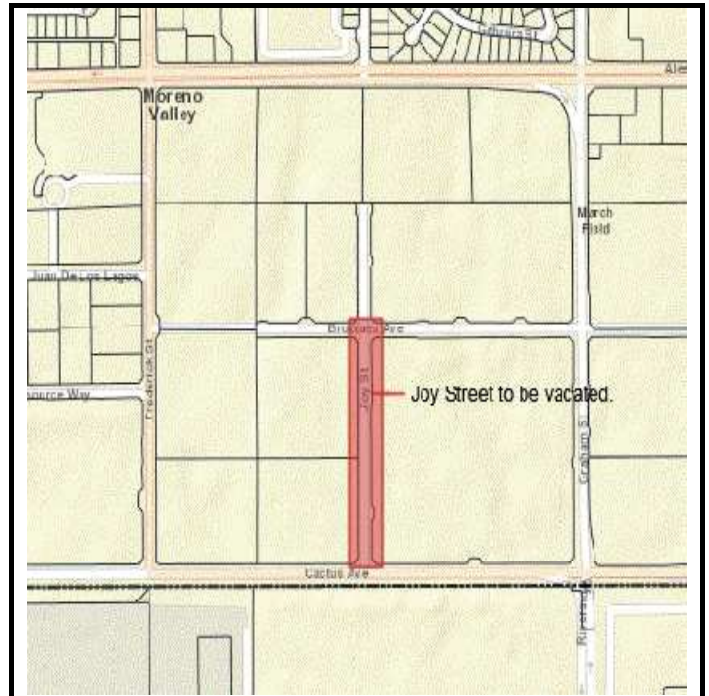
STAFF RECOMMENDATION: Approval

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, 7:30 a.m. to 1:30 p.m. 2nd and 4th Fridays of the month), 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 Ø

PLANNING COMMISSION HEARING

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

DATE AND TIME: August 22, 2013 at 7PM

CASE ENGINEER: Mark Sambito

PHONE: (951) 413-3120

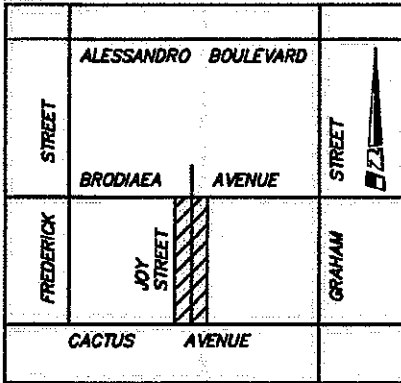
ATTACHMENT 1

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EXHIBIT 'B'
STREET VACATION PLAT

SHEET 1 OF 1

☪ **BRODIAEA AVENUE**



VICINITY MAP
NOT TO SCALE

PARCEL C, INST. NO.
2006-0752602, O.R.

3

PARCEL A, INST. NO.
2006-0752602, O.R.

LOT G

☪ JOY STREET
(PER P.M.B. 218/34-42)

PARCEL MAP NO. 32326

P.M.B. 218 / 34 - 42

MAP NO. 1

BEAR VALLEY AND

ALESSANDRO

DEVELOPMENT CO.

5

M.B. 11 / 10

6

LEGEND:

- RIGHT OF WAY
- LOT LINE
- ▭ AREA TO BE VACATED

PARCEL A, INST. NO.
2006-0752602, O.R.

LOT G

PARCEL B, INST. NO.
2006-0752602, O.R.

S'LY LINE LOT G
26.00'

☪ **CACTUS AVENUE**



HUITT-ZOLLARS

Huitt-Zollars, Inc. Irvine
2603 Main Street, Suite 400, Irvine, CA 92614
Phone (949) 988-5815 Fax (949) 988-5820

APPROVED BY

07-23-2013

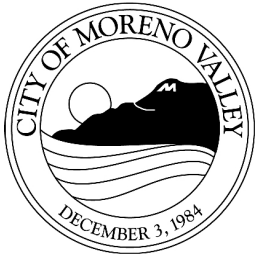
SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION

EXHIBIT 'B'

SCALE	1"=200'
DRAWN BY	DWM
CHECKED BY	JLG
DATE	7/23/2013
JOB NO.	R110244.24

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PLANNING COMMISSION STAFF REPORT

Case: PA13-0009 Conditional Use Permit
P13-075 Variance

Date: August 22, 2013

Applicant: The Kroger Company

Representative: Leslie Burnside, Barghausen Consulting Engineers

Location: NEC Alessandro and Indian

Proposal: The construction of a four island fueling station to include a 240 square foot kiosk with a Variance for a reduction in landscaping along the east property line. The site is in the Neighborhood Commercial zone.

Recommendation: Approval

SUMMARY

The applicant, The Kroger Company is proposing to construct a four island fueling station with a 240 square foot customer service kiosk on a .77 acre site located on the northeast corner of Alessandro Boulevard and Indian Street in the Neighborhood Commercial zone. The project includes a Variance for a reduction in landscaping along the east property line.

PROJECT DESCRIPTION

Project

The project is a vehicle fueling station with four islands including 7 multiple product dispensers providing service to 14 vehicles at one time.

The fueling area is located on the corner portion of the parcel and includes an overhead canopy and an attendant kiosk.

The 240 square foot kiosk will provide minor concessions such as motor oil and snacks and payment for fuel. No outdoor vending machines will be allowed.

A Variance has been requested for a reduction in landscaping along the east property line. The lot is narrow and has existing driveways that cannot be modified. The landscape areas along Alessandro Boulevard and Indian Street and the north property line will meet the setback and landscaping requirements. The east property line is required to have a 5 foot minimum landscape planter which will be eliminated with the Variance request. The adjacent site currently has a planter along the east property line which will remain. This project will be conditioned to add additional landscaping as allowed by the property owner. The proposed reduction totals 552 square feet which is a 6.9% reduction over the entire site.

Site

The site is a portion of parcel 482-190-019 located on the northeast corner of Alessandro Boulevard and Indian Street. The entire parcel is 3.97 acres with an approved Parcel Map (35040). The project will be conditioned to record the map prior to grading. Once recorded, the portion of the parcel for this project will be approximately .77 acres.

Surrounding Area

The property to the north and west is zoned Community Commercial with an existing mini storage facility to the north and a shopping center to the west. The parcel to the east is the existing Auto Zone store, zoned Neighborhood Commercial. Properties further east are zoned Residential 5 (R5) with developed properties zoned Community Commercial and Neighborhood Commercial to the south.

Access/Parking

The site will share the access to the existing driveways with the adjacent parcel to the east (the Auto Zone), both from Alessandro Boulevard and Indian Street. Decorative paving will be installed at the Indian Street driveway compatible with existing paving at the Alessandro entrance. The project is conditioned to provide street and sidewalk improvements along the Indian street frontage including curb separated sidewalks.

Design/Landscaping

The fueling station will include a canopy and kiosk designed with glass-fiber reinforced cement panels, molded to simulate split face CMU and colored per the approved plans coordinating with the adjacent Auto Zone building. The project is conditioned to add coordinating treatments to the canopy support columns with signs approved per the City's sign requirements.

The landscaping will be designed and installed per the City Landscape Requirements.

REVIEW PROCESS

The project was submitted on February 19, 2013. Several revisions were requested and submitted by the applicant. To date, all relevant issues have been addressed to the satisfaction of all parties.

ENVIRONMENTAL

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).

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.

<u>Agency</u>	<u>Response Date</u>	<u>Comments</u>
Riverside County Flood Control	March 12, 2013	No impact to the District Master Drainage Plan. Drainage fees apply.

STAFF RECOMMENDATION

That the Planning Commission **APPROVE** Resolution No. 2013-20 and thereby:

1. **RECOGNIZE** that PA13-0009 (Conditional Use Permit) and P13-075 (Variance) qualify as an exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332 (In-Fill Development Projects); and,
2. **APPROVE** PA13-0009 (Conditional Use Permit) and P13-075 (Variance) subject to the attached conditions of approval included as Exhibit A.

Prepared by:

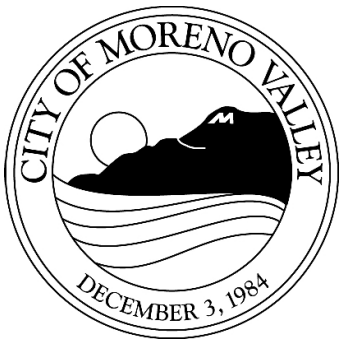
Julia Descoteaux
Associate Planner

Approved by:

Chris Ormsby, AICP
Interim Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2013-20 with Conditions of Approval as Exhibit A.
3. Reduced Plans
4. Zoning Map
5. Ortho Map
6. Public Hearing Notice P13-075 Variance



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: PA13-0009 Conditional Use Permit
APPLICANT: The Kroger Company
OWNER: John C Taylor
REPRESENTATIVE: Leslie Burnside
Barghausen Consulting Engineers
LOCATION: NEC Alessandro Blvd. and Indian Avenue
PROPOSAL: A three island fueling station including a 240 square foot kiosk. The site is zoned Neighborhood Commercial.
ENVIRONMENTAL DETERMINATION: Exempt
COUNCIL DISTRICT: 1
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 Ø

PLANNING COMMISSION HEARING

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

DATE AND TIME: July 11, 2013 at 7 PM

CONTACT PLANNER: Julia Descoteaux

PHONE: (951) 413-3209

ATTACHMENT 1

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RESOLUTION NO. 2013-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING CONDITIONAL USE PERMIT PA13-0009 TO CONSTRUCT A FOUR ISLAND FUELING STATION WITH A 240 SQUARE FOOT KIOSK LOCATED AND P13-075 A VARIANCE FOR REDUCED LANDSCAPING AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND INDIAN STREET ON A PORTION OF PARCEL NUMBER 482-190-019.

Section 1 Conditional Use Permit

WHEREAS, The Kroger Company has filed an application for the approval of PA13-0009, a Conditional Use Permit for a fueling station as described in the title of this Resolution; and

WHEREAS, on August 22, 2013, the Planning Commission of the City of Moreno Valley held a meeting to consider the application, and

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

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

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 August 22, 2013, 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.

Attachment 2

FACT: The proposed conditional use is consistent with the General Plan and the Neighborhood Commercial (NC) zone. As designed and conditioned, the proposed fueling station 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: With the approval of the Conditional Use Permit, as designed and conditioned the proposed fueling station will comply with the Municipal Code section which allow fueling stations in the Neighborhood Commercial zone.

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 PA13-0009 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).

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: As designed and conditioned, the proposed project will be constructed and operated to be compatible with surrounding uses.

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 PA13-0009 and P13-075, 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 2 Variance

WHEREAS, The Kroger Company has filed an application for the approval of P13-075 Variance for reduced landscaping at the proposed fueling station as described in the title of this Resolution, and

WHEREAS, on August 22, 2013, the Planning Commission of the City of Moreno Valley held a meeting to consider the application, and

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

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, and

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 August 22, 2013, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship not otherwise shared by others within the surrounding area or vicinity;

FACT: The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship for the property owner. The buildable land area of the parcel is rectangular in shape, and is constrained by the existing driveways along Alessandro Boulevard and Indian Street. Due to the existing site constraints, a Variance application was submitted as the 5 foot wide landscape requirement along the east property line cannot be met. Enhanced landscaping has been conditioned along Alessandro Boulevard and Indian Street with additional landscaping to the existing planter which borders the east property line to mitigate any adverse impact of the reduced landscaping. The proposed reduction totals 552 square feet which is a 6.9% reduction over the entire site.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the vicinity and under the same zoning classification;

FACT: There are exceptional or extraordinary circumstances regarding the property. The site has existing driveways that cannot be relocated due to the existing development. The driveways on Alessandro and Indian will service both this project and the existing Auto Zone retail store with required landscaping along the street setbacks, the north driveway with a reduction requested for this project. The property to the east has an existing landscape planter which will separate the sites.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and under the same zoning classification;

FACT: The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity. The project meets the zoning requirement which allows the fueling station in the Neighborhood Commercial (NC) zone.

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on the other properties in the vicinity and under the same zoning classification;

FACT: The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on the other properties in the vicinity and under the same zoning classification. The undeveloped parcels do not have existing driveways.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

FACT: As proposed, the variance would not cause serious public health problems, safety or welfare, or materially injury to properties or improvements in the vicinity. There are no known hazardous conditions associated with the property, or type of improvements. The proposed retail project will not have a significant impact on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA),

as a Class 32 Categorical Exemption, CEQA Guidelines, Section 15332 for In-Fill Development.

6. That the granting of a variance is consistent with the objectives and policies of the General Plan and the intent of this title;

FACT: The proposed variance is consistent with the General Plan and the standards of the General Plan. The granting of a variance would be consistent with the objectives and policies of the project site's General Plan designation.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2013-20 approving PA13-0009 (Conditional Use Permit) and P13-075 (Variance) for the fueling station with a Variance for the landscape reduction along the east property line subject to the attached conditions of approval included as Exhibit A.

APPROVED this 22nd day of August, 2013.

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
PA13-0009
CONDITIONAL USE PERMIT
APN: 482-190-019**

**APPROVAL DATE:
EXPIRATION DATE:**

**August 22, 2013
August 22, 2016**

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

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

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

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

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
SBM - S		

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- 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 Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Planning Division. **No signs are permitted in the public right of way.** (MC 9.12)
- P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

- P8. **The site has been approved for a fueling station including 7 dispensers and a 240 square foot attendant kiosk designed with glass-fiber reinforced cement panels, molded to simulate split face CMU, colors per the approved plans and a Variance for a reduction in the required landscaping by eliminating the planter along the east property line. A change or modification shall require separate approval. For a Conditional Use Permit, violation may result in revocation of the Conditional Use Permit.**
- P9. **Prior to issuance of Building Permits the elevation plan for the canopy columns shall be revised to include decorative enhancements to the base of the columns consistent with the design of the kiosk, subject to the approval of the Planning Official.**
- P10. **The Police Chief may require the business owner to provide security within the fueling station to address issues that arise from the operation of the business.**

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- P11. **The site 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.**
- P12. **Any speaker system shall not be detectable above daytime ambient noise levels beyond the property line boundaries, and shall not exceed fifty-five (55) dBA at any one time beyond the boundaries of the property line. (MC9.09.080 C.6 and 9.10.140)**
- P13. **The service station shall provide air and water to customers without charge located on site per the approved plans.**
- P14. **No coin operated vending machines shall be located outside of the kiosk.**
- P15. **Outdoor trash receptacles shall be provided at each island placed in a location convenient for customers.**

Prior to Issuance of Grading Permits

- P16. (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).

- P17. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

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- P18. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be shown on the plan, be a minimum size of 24 inch box, and meet a ratio of three replacement trees for each mature tree removed or as approved by the Planning Official. (GP Objective 4.4, 4.5, DG)
- P19. **(GP) Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan.**
- P20. **(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)**
- P21. **(GP) Prior to the issuance of building permits, the site plan shall show decorative concrete pavers for the driveway ingress/egress located on Indian Street.**
- P22. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:**
- A. A 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. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.**
 - C. 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)**

PRIOR TO BUILDING PERMITS

- P23. (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

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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)

P24. (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)

P25. (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)

P26. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P27. (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.

P28. (BP) Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and shall include:

- A. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot 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 planted.**
 - 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 any 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).**
- P29. (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.**
- P30. (BP) Prior to the issuance of building permits, the plot plan shall include decorative concrete pavers for the Indian Street driveway ingress/egress of the project.**
- P31. (BP) Prior to the issuance of building permits, the 8X8 storage building will need to be designed to match the building design in color and materials.**

PRIOR TO CERTIFICATE OF OCCUPANCY

- P32. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)**

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- P33. (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).**
- P34. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be inspected by the Planning Division. All on-site and common area landscaping shall be installed in accordance with the City's Landscape Standards and the approved project landscape plans and all site clean-up shall be completed. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.**

Building and Safety Division

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

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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. 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.
- PD9. Cash registers shall be placed near the front entrance of the store.
- PD10. Window coverings shall comply with the city ordinance.
- PD11. No loitering signs shall be posted in plain view throughout the building.

**CITY OF MORENO VALLEY
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DATE: 05/30/13**

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) .
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 1/2" x 2 1/2") and super enhanced fire hydrants (6" x 4" x 4" x 2 1/2") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 507.5.7 & MVMC 8.36.060 Section K)
- F4. 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 than 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. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F10. 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)

- F11. 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)
- F12. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by

means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

- F13. 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)
- F14. 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 105)
- F15. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 105)
- F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- F17. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
- F18. Prior to construction, “private” driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.060)
- F19. 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.
- F20. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be

construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with CFC 105 and MVMC 8.36.100.

- F21. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)
- F22. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:
- a) Storage and use areas;
 - b) Maximum amount of each material stored or used in each area;
 - c) Range of container sizes;
 - d) Locations of emergency isolation and mitigation valves and devices;
 - e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
 - f) On and off positions of valves for valves which are of the self-indicating type;
 - g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
 - h) Site plan showing all adjacent/neighborhood structures and use.

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

- F23. 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 Chapter 27)
- F24. 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)

- F25. 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)
- F26. 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)
- F27. 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)
- F28. 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)
- F29. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- 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
PA13-0009 – Plot Plan Fuel Center
APN 482-190-019**

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, financial security shall be provided for all improvements and dedications made on the associated final parcel map.
- 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 Community and Economic Development 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 Community and Economic Development Department.
- LD7. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)
- LD8. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

Prior to Grading Plan Approval or Grading Permit

- LD9. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

- LD10. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points.
 - b. A grading permit shall be obtained from the Community and Economic Development Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
 - c. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
 - d. The developer shall submit a soils and geologic report to the Community and Economic Development Department – Land Development Division. The report shall address the soil’s stability and geological conditions of the site.
- LD11. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. **The project is proposing water quality swales and an infiltration trench.****
- LD12. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD13. (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)
- LD14. (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.
- LD15. (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

- LD16. (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.
- LD17. (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)
- LD18. (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.
- LD19. (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.
- LD20. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
- a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
 - b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
 - c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
- LD21. (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.
- LD22. (IPA) Prior to approval of the improvement plans, the developer shall pothole to determine the exact location of existing underground utilities. The improvement plans shall be designed based on the pothole field investigation results. The developer shall coordinate with all affected utility companies and bear all costs of utility relocations.
- LD23. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

- LD24. (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)
- LD25. (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.
- LD26. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Community and Economic Development Department.
- LD27. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

- LD28. (BP) Prior to issuance of building permits, 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.
- LD29. (BP) Prior to issuance of building permits, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the final map associated with the project. A public improvement agreement will be required to be executed.
- LD30. (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

- LD31. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.
- LD32. (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)

LD33. (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.

LD34. (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.

LD35. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, pavement tapers/transitions and traffic control devices as appropriate.
- b. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

LD36. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to

secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD37. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

SPECIAL CONDITIONS

LD38. The following project engineering design plans (24"x36" sheet size) shall be submitted for review and approval as well as additional plans deemed necessary by the City during the plan review process: Rough Grading Plan, Precise Grading Plan, Street Improvement Plan, Signing and Striping Plan, Traffic Control Plan, Final Drainage Study, and As-Built Plans of these plans.

LD39. Prior to precise 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.

LD40. 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 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.

LD41. (BP) Prior to issuance of a building permit, Parcel Map 35040 (PA05-0162) shall record. Street right-of-way dedications on Alessandro Boulevard (7 feet) and Indian Street (14 feet) along project frontage, including additional right-of-way required at the corner cutoff and at driveway approaches (4 feet), as well as a 2-foot pedestrian access easement along Indian Street for that 2-foot portion of curb-separated sidewalk that is located beyond the public street right-of-way shall be made on the final parcel map.

LD42. Prior to issuance of a building permit, either reciprocal access easement(s) shall be shown on the final parcel map associated with this project (PM

35040), or a copy of a reciprocal access agreement among parcels shall be submitted to the City for review and approval for any shared-use driveways and reciprocal access.

LD43. Prior to issuance of a building permit, the developer shall obtain the necessary permission from easement holders for construction of a trash enclosure over existing easements or alternatively, the existing easements shall be abandoned and new ones dedicated that will not conflict with the location of the proposed trash enclosure.

LD44. Prior to occupancy, this project will be required to repair, replace or install any damaged, substandard or missing improvements on Alessandro Boulevard and Indian Avenue. Access ramps and travelled ways shall comply with current American with Disabilities Act (ADA) standards.

LD45. Prior to occupancy, the following improvements shall be completed:

- a. Alessandro Boulevard, City Standard 101A (134-foot RW / 110-foot CC) shall be constructed to include construction of remaining public improvements along the project's south frontage. A 7-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the associated project map PM 35040. Improvements shall consist of, but not be limited to, driveway approach, parkway culvert, pedestrian ramps, and dry and wet utilities.
- b. Indian Street, Minor Arterial, City Standard 105A (88-foot RW / 64-foot CC) shall be constructed to half-width along the entire project's west frontage with pavement transition beyond. A 14-foot right-of-way dedication on the east side of the street, along the project's west property line, shall be shown on the associated project map PM 35040. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approach, parkway culvert, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.
- c. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map (PM 35040) shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.
- d. Pavement core samples of existing pavement may be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a one-tenth inch grind and overlay or slurry seal depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA13-0009 (PP for a Fueling Station with a 240 sq ft Kiosk)
APN: 482-190-019
03.06.13**

FINANCIAL & MANAGEMENT SERVICES 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 **PA13-0009**; 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 Financial & Management Services Department 951.413.3480 or by emailing specialdistricts@moval.org.

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.

- SD-3 The ongoing maintenance of any landscaping required to be installed behind the curb on **Alessandro Blvd. and Indian St.** shall be the responsibility of the property owner.

- SD-4 Streetlight Authorization forms, for all streetlights that are conditioned to be installed as part of this project, must be submitted to the Special Districts Division for approval, prior to streetlight installation. The Streetlight Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison.

Prior to Building Permit Issuance

- SD-5 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (California Government Code)
- SD-6 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Alessandro 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.
- a. Participate in a ballot proceeding for **improved median maintenance** and pay all associated costs with the ballot process and formation costs, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the city; 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-7 *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-8 (BP) Prior to the issuance of the first building permit for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council.

The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C programs. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

- SD-9 (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 **Covenant of Assessments** for each assessable parcel therein, whereby the developer covenants 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 Covenant of Assessments shall be submitted to the Special Districts Division. For a copy of the Covenant of Assessments form, please contact Special Districts, phone 951.413.3480.



CITY OF MORENO VALLEY
Public Works
Transportation Engineering Division

MEMORANDUM

To: Julia Descoteaux, Associate Planner
From: Michael Lloyd, Senior Engineer
Date: May 29, 2013
Subject: **Conditions of Approval for PA13-0009** – Plot Plan for fuel center located on the northeast corner of Alessandro Boulevard at Indian Street.

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

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PA13-0009

Plot Plan for fuel center located on the northeast corner of Alessandro Boulevard at Indian Street.

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) per City Standard Plan No. 101A. Any improvements to the roadway shall be per City standards.

TE2. Indian Street is classified as a Minor Arterial (88’RW/64’CC) per City Standard Plan No. 105A, modified for curb separated sidewalk. Traffic Signal Interconnect shall be installed along the Indian Street project frontage per City Standard Plan No. 421. Any improvements to the roadway shall be per City standards.

TE3. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City’s Development Code – Design Guidelines and City of Moreno Valley Standard No. 118C for commercial driveway approach. Driveway access shall be the following:

- The Alessandro Boulevard driveway will have right-in, right-out access due to the raised median along Alessandro Boulevard.
- The Indian Street driveway shall have full access.

TE4. Conditions of approval may be modified or added if the plot plan is modified.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66’/44’ and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.

TE7. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. 125A, B, C.

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE8. (CO) Prior to issuance of a Certificate of Occupancy, the signing and striping along Indian Street shall be installed along Indian Street per the approved plans and to the satisfaction of the City Traffic Engineer.

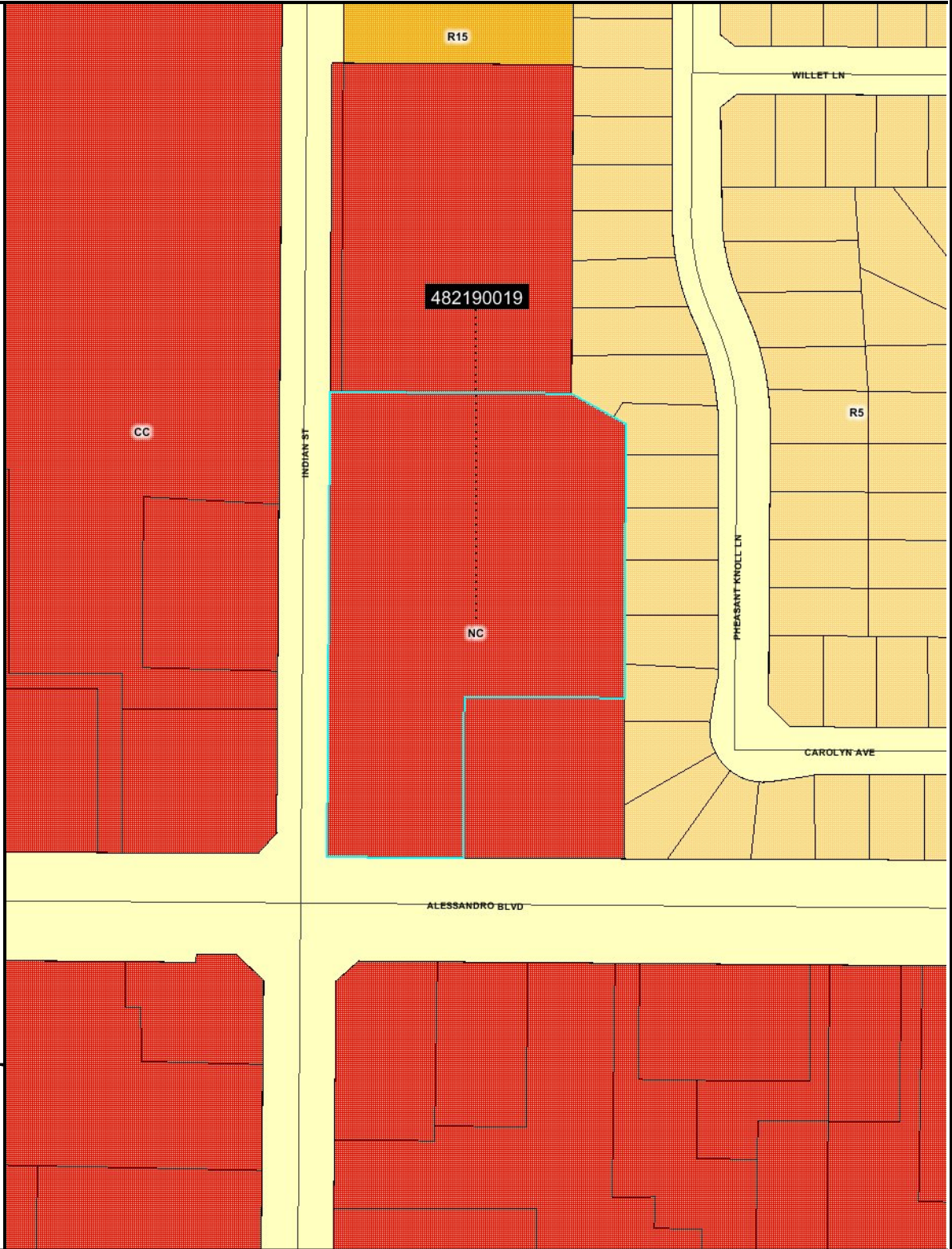
PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE9. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

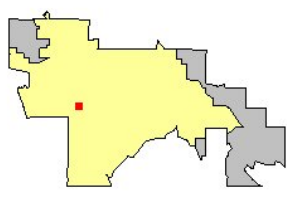
PA13-0009jd

Legend

- Selected Features
- Highways
- Parcels
- Roads
- Zoning
 - Commercial
 - Industrial/Business Park
 - Large Lot Residential
 - Multi-family
 - Office
 - Open Space/Park
 - Planned Development
 - Public Facilities
 - Residential 2 Dwellings/Acre
 - Residential Agriculture 2 Dwellings/Acre
 - Suburban Residential
- Waterbodies
- City Boundaries
 - Calimesa
 - Moreno Valley
 - Perris
 - Riverside

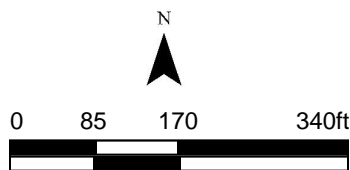


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City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

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



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PA13-0009jd

Legend

-  Selected Features
-  Highways
-  Parcels
-  Roads
-  Ortho Photography
-  Waterbodies
-  City Boundaries
-  Callimesa
-  Moreno Valley
-  Perris
-  Riverside

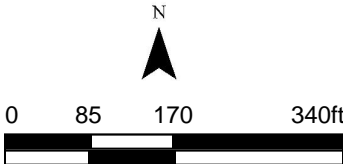


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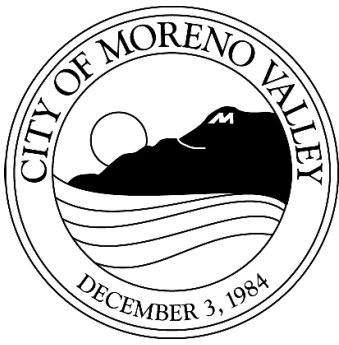
City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

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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: P13-075 Variance
APPLICANT: The Kroger Company
OWNER: John C Taylor
REPRESENTATIVE: Leslie Burnside
Barghausen Consulting Engineers
LOCATION: NEC Alessandro Blvd. and Indian Avenue
PROPOSAL: A variance request for a reduction in the landscaping along the east property line to allow for better on-site development and circulation at the proposed fueling station PA13-0009.
ENVIRONMENTAL DETERMINATION: Exempt
COUNCIL DISTRICT: 1
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, Second and Fourth Friday's 7:30am to 1:30pm), 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 Ø

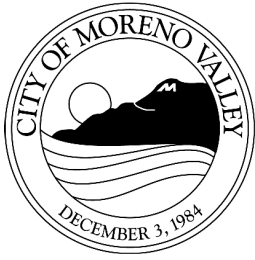
PLANNING COMMISSION HEARING

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

DATE AND TIME: August 22, 2013 at 7 PM

CONTACT PLANNER: Julia Descoteaux
PHONE: (951) 413-3209

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PLANNING COMMISSION STAFF REPORT

Case: PA13-0023 Conditional Use Permit

Date: August 22, 2013

Applicant: Hector Diaz

Representative: JRMVP

Location: 23040 Alessandro Boulevard

Proposal: A Conditional Use Permit for live entertainment within an existing restaurant to include karaoke and live music with dancing. The existing restaurant is in the Neighborhood Commercial zone.

Recommendation: Approval

SUMMARY

The applicant, Hector Diaz has submitted a Conditional Use Permit for live entertainment within an existing structure. The intent of this application is to meet the Municipal Code requirements for entertainment within 300 feet of a residential zone.

PROJECT DESCRIPTION

Project

The Conditional Use Permit application proposes the addition of live entertainment to the existing restaurant use located at 23040 Alessandro Boulevard which is within 100 feet of a residential zone to the west. A Conditional Use Permit is required when the site is within 300 feet of a residential zone.

The 7,607 square foot restaurant will be open Sunday through Wednesday 7am to 12am and Thursday through Saturday 7am to 1:30am. The restaurant will include a family-style table-served, full service Authentic Mexican Food menu with alcohol served.

The entertainment is conditioned to be secondary to the restaurant use and will include karaoke and live bands. The stage area is approximately 137 square feet with a 192 square foot dance floor.

The project has been reviewed and meets the criteria for a Conditional Use Permit for entertainment in the Neighborhood Commercial zone and the findings for a Conditional Use Permit as stated in the attached resolution.

Site

The restaurant which is currently vacant is located within the existing Plaza Del Sol shopping center on the north east corner of Alessandro Boulevard and Frederick Street. The site is fully developed with mixed uses.

Surrounding Area

Properties to the north and west are zoned Residential 20 (R20) and developed with multi-family units. The northwest and the southeast corners of Alessandro and Frederick are zoned Community Commercial and the southwest is zoned Office.

Access/Parking

The primary point of access will be from Frederick Street and is shared by the existing shopping center. An additional entrance is provided for the center from Alessandro Boulevard. As originally designed the restaurant will share the existing parking lot with the shopping center.

Design

The project has been reviewed and the design of the existing building conforms to all development standards of the Neighborhood Commercial zone. No exterior design changes are proposed at this time.

REVIEW PROCESS

Due to the location and type of project, namely a developed site with no alterations to the exterior of the existing structure, transmittal was not sent to outside agencies. The Fire Prevention Division and the Police Department responded with standard Conditions of Approval.

ENVIRONMENTAL

The entertainment will include karaoke and live bands, and will be required to meet the City's noise standard keeping noise below 55 dBA at the property line.

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.

STAFF RECOMMENDATION

That the Planning Commission **APPROVE** Resolution No. 2013-23 and thereby:

1. **RECOGNIZE** that PA13-0023 (Conditional Use Permit) qualifies as an exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities); and,
2. **APPROVE** PA13-0023 (Conditional Use Permit) subject to the attached conditions of approval included as Exhibit A.

Prepared by:

Julia Descoteaux
Associate Planner

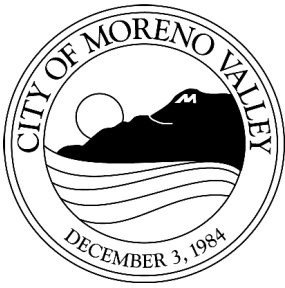
Approved by:

Chris Ormsby, AICP
Interim Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2013-23 with Conditions of Approval
3. Floor plan with letter of intent
4. Zoning Map
5. Ortho Map

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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: PA13-0023 Conditional Use Permit

APPLICANT: Hector Diaz

OWNER: JRMVP

LOCATION: 23040 Alessandro Boulevard at Frederick Caliente Bar & Grill

PROPOSAL: A Conditional Use Permit for live entertainment within an existing restaurant to include karaoke and live music with dancing. The existing restaurant is in the Neighborhood Commercial zone.

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:

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, second and fourth Friday's 7:30am to 1:30pm), 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 Ø

PLANNING COMMISSION HEARING

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

DATE AND TIME: August 22, 2013 at 7 PM

CONTACT PLANNER: Julia Descoteaux

PHONE: (951) 413-3209

ATTACHMENT 1

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RESOLUTION NO. 2013-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA13-0023 A CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT INCLUDING KARAOKE, LIVE BANDS AND DANCING AT THE RESTAURANT LOCATED AT 23040 ALESSANDRO BOULEVARD.

WHEREAS, the applicant, Hector Diaz has filed an application for the approval of PA13-0023 a Conditional Use Permit to allow entertainment within the existing restaurant as described in the title of this Resolution.

WHEREAS, on August 22, 2013, 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 August 22, 2013 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: With the approval of a Conditional Use Permit, the use and the location of the restaurant with entertainment area is consistent with the General Plan. The project is in an existing retail

shopping center zoned Neighborhood Commercial. 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 restaurant with entertainment will comply with 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 PA13-0023 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 shopping center. There will be no changes to the exterior of the building. As designed and conditioned, the project will be compatible with existing and planned uses in the vicinity. The restaurant will operate with varied hours as conditioned. The alcohol which is allowed in a restaurant 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.

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 PA13-0023, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2013-23 approving PA13-0023 a Conditional Use Permit.

APPROVED this 22nd day of August, 2013.

Chair, Planning Commission

ATTEST:

Chris Ormsby, Interim 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**

PA13-0023

APN: 296-200-008

**APPROVAL DATE:
EXPIRATION DATE:**

**August 22, 2013
August 22, 2016**

X Planning (P), Building (B), Police Department (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 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)
- 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)

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

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

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

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

PLANNING DIVISION
CONDITIONS OF APPROVAL
PA13-0023
PAGE 2

- 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 project is a Conditional Use Permit for live entertainment within the existing restaurant to include karaoke and live music with dancing. The primary use of the establishment is a family style restaurant with the entertainment secondary to the restaurant use. The area for live entertainment includes 137 square foot stage area with a 192 square foot dance floor. 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. A current Certificate of Occupancy and Business License is required at all times.**
- P9. **Noise impacts shall be below the level of 55 dBA at one time beyond the boundaries of the property. (MC 9.10.140, CEQA)**
- P10. **Entertainment hours shall be limited to hours of restaurant operations, ending at 12:30 am Sunday through Wednesday and 1:30am Thursday through Saturday.**
- P11. **The owner or owner'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.**
- P12. **The Police Chief may require the business owner to provide security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.**

- P13. **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.**

PRIOR TO BUILDING PERMITS

- P14. **(BP) Prior to issuance of building permits, screening details shall be addressed on Tenant Improvement plans for any new or updated roof top equipment. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. (GP Objective 43.6, MC)**

PRIOR TO CERTIFICATE OF OCCUPANCY

- P15. **(CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)**
- P16. **(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 and/or revitalized in accordance with the City's Landscape Standards prior to the release of certificate of any occupancy permits for the site.**

Building and Safety Division

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

**PLANNING DIVISION
CONDITIONS OF APPROVAL
PA13-0023
PAGE 4**

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.

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.
- PD6. All landscape cover should not exceed over 3' from the ground in the parking lot.
- PD7. 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
- PD8. 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.

**PLANNING DIVISION
CONDITIONS OF APPROVAL
PA13-0023
PAGE 5**

PD9. Cash registers shall be placed near the front entrance of the store.

PD10. Window coverings shall comply with the city ordinance.

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Conditional Use Permit

Project and Use Description

As part of the Amended Conditional Use Permit Application, the following is a description of the property and intended use as well as background on the proposed occupant for consideration.

The property with addresses 23040-23100 Alessandro Blvd, Moreno Valley, CA consists of approximately 80,161 square feet of restaurant, retail and medical uses. The subject building with address 23040 Alessandro Blvd, Moreno Valley, CA is approximately 7,607 and is a fully built out restaurant with patio. The building sits along Frederick Street with direct traffic exposure. It is applicant's intention to re-open as a Mexican Family Restaurant with an emphasis on **family orientation**.

Applicant intends to include the precise use as occupied by the prior Tenants, Caliente and Don Jose's Mexican Bar and Grill, which includes **Family-style table-served full service Authentic Mexican food** serving beer, wine and fine drinks with an added element to enhance the family environment and atmosphere involving Karaoke and live inspirational music derived from the Mexican culture such as, Mariachi and Mexican Heritage Music which includes among other music the following genres:

Mariachi - The roots of the Mariachi go back hundreds of years. It was the music of country people; music that celebrated the joys, the struggles, and the triumphs of the Mexican people. The Mariachi is a version of Spanish theatrical orchestra containing violins, guitars, and a harp.

Corrido and Canción-corrido - Historically, the *corrido* and *canción* are two distinct genres or musical forms. However, in the Hispanic Southwest they have at times experienced considerable overlap. Of course, this convergence is never complete; some corridos retain enough of their "classical" narrative features to stamp them unmistakably as corridos, while most canciones remain purely lyrical expressions of love.

Música Norteña – Nortena music most commonly includes the accordion and the bajo sexto. But the conjunto norteno is a type of Mexican folk ensemble. Often it consists of accordion, bajo sexto, double bass and drums, but it can also have saxophone.

Tejano - Tejano music is more particular to the late twentieth century styles that have crossed over and overlapped with many heritage Mexican music. An important example of this crossover comes from Texas, where Música Norteña (more particularly the Texan-Mexican conjunto) and orquesta have witnessed a dramatic convergence. These carry on the basic stylistic features that identify the music as "tejano," but the mainstay of the orquesta — the horns — have been replaced by electronic keyboards that imitate the sounds of trumpets and saxophones. At the same time, these ensembles often incorporate the accordion, thus lending them a hybrid character. Also, continuing its convergence is the absorption of country western elements into tejano music which has intensified since the 1980s. Borrowing from country western is not new to tejanos (it took place as early as the 1960s), but in the 1980s and 1990s, this absorption has accelerated. Thus, conjunto performers such as Emilio Navaira and Roberto Pulido, and especially The Texas Tornados, a new group made up of veteran musicians (Freddie Fender, Flaco Jimenez, Doug Sahm), have fused conjunto with country western to produce a novel sound that adds a new dimension to tejano music.

Intended hours of operation include operating 7 days a week as follows:

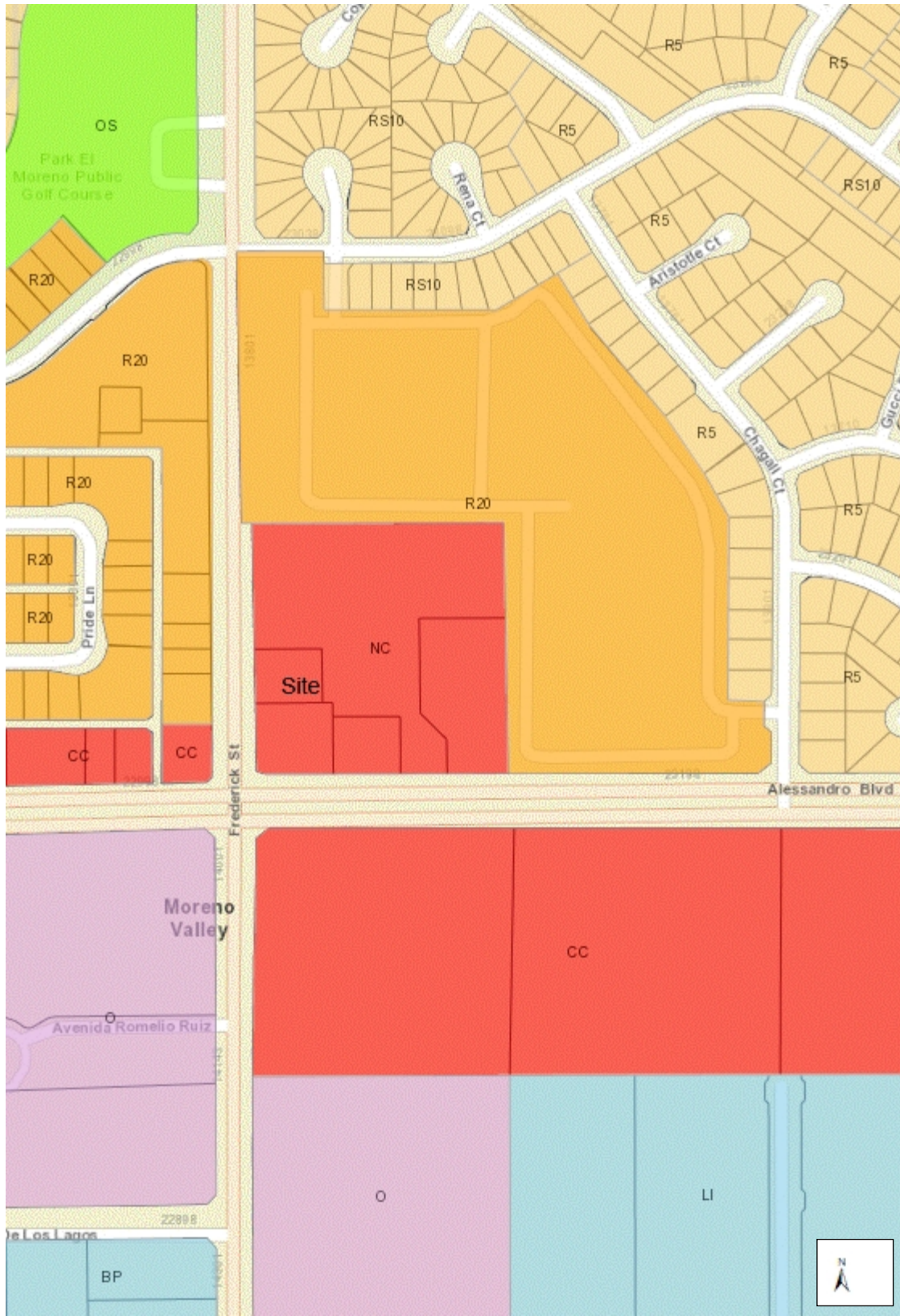
Sunday to Wednesday – 7am to 12am, Thursday to Sunday – 7am to 1:30am. The plan is to have a mixture of Karaoke, Mariachi, and Band playing at least three days a week but mostly on the weekends.

Applicant's background includes several years in the restaurant industry and goes back several generations. While building their lives here in Moreno Valley since 2004, Mr. and Mrs. Diaz have built very successful businesses in Moreno Valley since 2005 which include Financing, Real Estate, Insurance, Notary Public and Department of Motor Vehicle Services. With their tenacious spirit and successful local history the Diaz' intend to implore their same business model to their new venture here in Moreno Valley. Coupled with their long history of experience in the restaurant industry and excellent success with the current business ventures makes for a remarkable recipe for success.



HECTOR DIAZ 5/16/13

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Legend

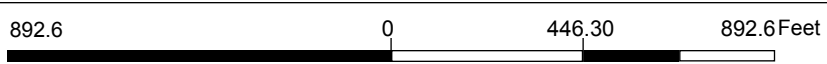
Zoning

- Commercial
- Industrial/Business Park
- Public Facilities
- Office
- Planned Development
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

Master Plan of Trails

- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State

- Parcels
- City Boundary
- Sphere of Influence



WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County 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.

Notes

ATTACHMENT 4

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Legend

Master Plan of Trails

- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State

- Parcels
- City Boundary
- Sphere of Influence



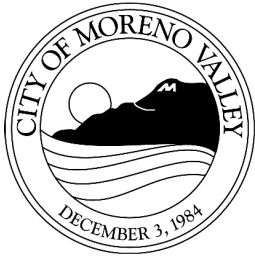
Notes

892.6 0 446.30 892.6 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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PLANNING COMMISSION STAFF REPORT

Case: P13-061 Amended Conditional Use Permit and Tract Map

Date: August 22, 2013

Applicant: Mission Pacific Land Company

Representative: John Abel and Jason Keller

Location: Northeast corner of Pigeon Pass Road and Old Lake Road

Proposal: An amended Conditional Use Permit and Tract Map No. 32515 for a Planned Unit Development to remove the age restricted senior housing requirement from an originally approved 174 lot detached clustered residential community on a 38.4 net-acre parcel of land in the R5 (Residential 5) land use district.

Recommendation: Approval

SUMMARY

The applicant, Mission Pacific Plan Company, is requesting approval of an amended Conditional Use Permit and Tentative Tract Map to remove the senior housing restriction from an originally approved 174 lot age restricted senior residential community with amenities such as passive parks, a clubhouse and natural open space areas. The project site includes approximately 38.4 acres of land within the R5 (Residential 5) land use district.

BACKGROUND

On September 22, 2005, the Planning Commission approved a Conditional Use Permit (PA05-0057) and Tentative Tract Map No. 32515 (PA04-0108) for a planned unit development (PUD) that included 174 single family lots for residents 55 and over within an active senior housing complex. The project included the protection of a natural drainage channel through the center of the subject site, provisions of unique recreational amenities, and a clustered development to maintain the channel that meanders through the site. A recreation building and a few small passive parks were also approved with the original project that will allow for indoor and outdoor recreational opportunities for residents of the complex. The clubhouse, which has been constructed but is not currently in use, will have room for a fitness center, banquet room, and game room. An outdoor swimming pool and spa facility is also included in the complex.

Tentative Tract Map No. 32515 was recorded on March 5, 2007. The subdivision currently includes thirteen (13) homes and the recreation clubhouse. The homes are currently leased out to senior residents residing in the housing complex.

PROJECT DESCRIPTION

Project

The applicant is requesting that the senior housing requirement included in the 2005 approval of the original Conditional Use Permit No. PA05-0057 and Tentative Tract Map No. 32515 be removed. If the removal of the age restriction is approved, the project would revert to a housing project that can be sold to all perspective homebuyers. No other changes to the original approved tract are proposed with this application.

Amended Conditional Use Permit

The applicant proposes that changes be made to originally approved conditions of approval for Conditional Use Permit No. PA05-0057 to remove age restrictive language as follows (stricken language will be removed and underlined language will be added to the conditions of approval):

- P1. The approval of the Conditional Use Permit (CUP) under PA05-0057 shall be in conjunction with PA04-0108 (Tentative Tract Map No. 32515) and shall remain in effect at all times. Unless amended by this approval, all conditions of approval under PA05-0057 shall apply.
- P2. Although Tentative Tract Map No. 32515 will include the protection of a natural drainage channel and provide lots that fall below 7,200 sq feet and lot widths less than 70 feet, and lot depths less than 100 feet, the tract shall not exceed the maximum allowable density established within the R5 (Residential – 5) land use district of a maximum of five (5) units per acre ~~with a density bonus based on providing 100 percent senior housing (55 and over).~~

P14. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division, which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:

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

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to proposed parcels, open space use restrictions, maintenance of common landscape areas such as drainage and detention basins, passive parks or open space, the community building, private roads, street lights etc. The approved documents shall contain a provision, which provides that they may not be terminated or substantially amended without the consent of the City or the developer's successor-in-interest. (MC 9.14.090)

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

- The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.
- (R) All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA). All reverse frontage landscape and maintenance area, shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
- ~~The document shall contain provisions that the site is designated for age restricted senior housing pursuant to State Law.~~

P40. A minimum of eight (8) footprints and four (4) elevations shall be included. ~~within the Senior housing complex.~~

~~P41. The project is considered a Senior Housing Complex and shall be deed restricted as such. All components of the project shall provide the title "Senior Housing", including, but not limited to the final tentative tract map, site plan, plotting plans, color rendering drawings, CC&R's etc.~~

In order to provide additional recreational opportunities for the residential community, staff proposes that the addition of tot lot recreation equipment be included with the modified project and within the proposed amended CUP conditions of approval as follows:

P43. (BP/OC) Prior to the approval of any building permits, tot lot equipment locations shall be included and approved on a revised landscape plan, while prior to occupancy of 50% of the tract, tot lot equipment shall be constructed in approved passive park areas, subject to the approval of the Community and Economic Development Director.

Amended Tract Map

The applicant also proposes that the following changes be made to the originally approved conditions of approval for Tentative Tract Map No. 32515 (PA04-0108) to remove age restriction requirements as follows (stricken language will be removed from the conditions of approval):

P17. The approval of Tentative Tract Map No. 32515 (PA04-0108) shall be in conjunction with PA05-0057 (Conditional Use Permit) and shall remain in effect at all times. Unless amended by this approval, all conditions of approval under PA04-0108 shall apply.

~~P18. (BP) Prior to the issuance of any building permits, the owner shall enter into a density bonus housing agreement with the city. Upon execution of the agreement, the document shall be recorded with the County Recorder's Office. The conditions contained in the density bonus housing agreement shall run with the property for the affordability or designation period.~~

P25. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division, which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:

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

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to proposed parcels, open space use restrictions, maintenance of common landscape areas such as drainage and detention basins, passive parks or open space, the community building, private roads, street lights etc. The approved documents shall contain a provision, which provides that they may not be terminated or substantially amended without the consent of the City or the developer's successor-in-interest. (MC 9.14.090)

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

- The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.

- (R) All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA). All reverse frontage landscape and maintenance area, shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
- ~~The document shall contain provisions that the site is designated for age restricted senior housing pursuant to State Law.~~

~~P27. The project is considered a Senior Housing Complex and shall be deed restricted as such. All components of the project shall provide the title "Senior Housing", including, but not limited to the final tentative tract map, site plan, plotting plans, color renderings etc.~~

Site

The site is primarily vacant, except for the thirteen (13) homes and clubhouse previously built by the original developer of the subdivision.

Surrounding Area

Surrounding land uses include single-family residential homes primarily to the west and northeast, churches to the east and north and a school to the south of the proposed tract.

Access/Parking

Access and parking requirements for the project will not be changing with the modification of the Conditional Use Permit and Tract Map No. 32515.

Design/Landscaping

The design of the project, including building elevations and designated landscape/passive park areas will not be modified from what was originally approved by the Planning Commission back in 2005.

ENVIRONMENTAL

A Negative Declaration was approved for the original senior housing project (PA04-0108 and PA05-0067) back in 2005. The removal of senior housing age restriction language required a traffic impact analysis to be prepared. Based on review by the Transportation Division, no significant traffic impacts would occur from the change. Site characteristics as well as project use and layout did not change from the original CUP approval. Therefore, the project includes an addendum to a previously approved Negative Declaration pursuant to Section 15164 of the California Environmental Quality Act. None of the conditions within Section 15162 of CEQA calling for the preparation of an Environmental Impact Report or subsequent Negative Declaration have occurred with the removal of the age restriction language on the project.

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.

The applicant has personally notified the renters in the subdivision that an application has been submitted to remove the age restriction and active senior housing requirement. In addition, the applicant has notified property owners immediately adjacent to the site regarding the proposed change in project concept.

REVIEW AGENCY COMMENTS

As only conditions of approval are being modified to remove the age restriction or original senior housing requirement and will not be changing any other aspect of the originally approval project, staff did not send to outside agencies for review.

STAFF RECOMMENDATION

APPROVE Resolution No. 2013-25, and thereby:

1. **ADOPT** an Addendum to the original Negative Declaration pursuant to Section 15164 of the California Environmental Quality Act: and,
2. **APPROVE** P13-061 for an Amended Conditional Use Permit (PA05-0057) and Tract Map 32515 (PA04-0108) for the removal of age restricted language for a 174 lot detached clustered residential community on a 38.4 net-acre parcel of land in the R5 (Residential 5) land use district based on the findings included in the attached resolution, subject to the amended conditions of approval included as Exhibits A and B to the resolution.

Prepared by:

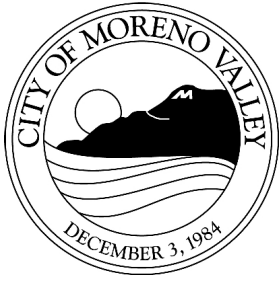
Approved by:

Mark Gross, AICP
Senior Planner

Chris Ormsby, AICP
Interim Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2013-25 with attached amended Conditions of Approval (Exhibits A and B)
3. Zoning Map
4. Aerial Map
5. Approved Tentative Tract Map 32515



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: P13-061 (Amended Conditional Use Permit and Tentative Tract Map)

APPLICANT: Mission Pacific Land Company

OWNER: Mission Pacific Land Company

REPRESENTATIVE: John Abel and Jason Keller

LOCATION: The project is located on the northeast corner of Pigeon Pass Road and Old Lake Road

PROPOSAL: An amended Conditional Use Permit (PA05-0057) and Tract Map (PA04-0108/Tentative Tract Map No. 32515) to remove the age restricted active senior housing requirement from an originally approved 174 lot detached clustered courtyard single-family residential community on a 38.4 net-acre parcel of land in the R5 (Residential 5) land use district. No other items of the original project, which included open space areas for the preservation of a natural drainage/riparian area and recreational opportunities such as a community recreation building and small passive parks, are proposed to be modified.

ENVIRONMENTAL DETERMINATION: The project includes an addendum to a previously approved Negative Declaration pursuant to Section 15164 of the California Environmental Quality Act, as the proposal would not include any substantial changes or significant impacts from the original approval of a 174 lot subdivision.

COUNCIL DISTRICT: 2

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community and Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 6:00 p.m., Monday through Thursday and 7:30 a.m. to 1:30 p.m. the second and fourth Fridays of the month) 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 Ø

PLANNING COMMISSION HEARING

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

DATE & TIME: August 22, 2013, 7:00 P.M.

CONTACT PLANNER: Mark Gross

PHONE: (951) 413-3215

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PLANNING COMMISSION RESOLUTION NO. 2013-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING P13-061 FOR AN AMENDED CONDITIONAL USE PERMIT AND TENTATIVE TRACT MAP MODIFYING THE ORIGINAL CONDITIONS OF APPROVAL TO REMOVE THE AGE RESTRICTED SENIOR HOUSING REQUIREMENT FOR A 174 SINGLE-FAMILY RESIDENTIAL SUBDIVISION AND PLANNED UNIT DEVELOPMENT ON 38.4 NET ACRES

WHEREAS, The applicant, Mission Pacific Land Company, has filed an application (P13-061) for an amended Conditional Use Permit (PA05-0057) and Tentative Tract Map No. 32515 (PA04-0108) to remove the senior housing concept and language within originally approved conditions for a Planned Unit Development (PUD) and subdivision of a 38.4 (net)-acre residential parcel of land that includes 174 single-family residential lots, including the protection of an above-ground natural drainage area, located within the center of the proposed development. The project is located on the northeast corner of Pigeon Pass Road and Old Lake Road.

WHEREAS, on September 22, 2005, the Planning Commission conducted a public hearing to approve a Conditional Use Permit (PA05-0057) and Tentative Tract Map (PA04-0108) in conjunction with a proposed Planned Unit Development (PUD) and Tentative Tract No. 32515.

WHEREAS, on August 22, 2013, the Planning Commission conducted a public hearing to consider modifying conditions of approval to remove all language pertaining to the removal of the original senior housing concept from all project approvals.

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:

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 August 22, 2013, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

Conditional Use Permit

- 1. **Conformance with General Plan Policies – The proposed amendment to the Conditional Use Permit is consistent with the General Plan, and its goals, objectives, policies and programs.**

FACT: The amended CUP with amended conditions of approval to remove the senior housing requirement is consistent with the General Plan policies, including conformance with the proposed R5 (Residential -5) land use designation and the associated Planned Unit Development (PUD). The proposed amended language to the conditions of approval will not modify the proposed project layout or density, which is consistent with the land use map and Municipal Code.

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

FACT: The amended Conditional Use Permit (CUP) and Planned Unit Development (PUD), including the protection of a natural drainage channel is consistent with the zoning regulations established within the City’s Municipal Code, including conformance with the R5 (Residential -5) land use designation and the associated Planned Unit Development (PUD). The proposed project and density (maximum 5 units per acre) is also consistent with provisions within the 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: As conditioned, the proposed amended CUP for 174 single-family residential lots and PUD for the protection of a natural drainage channel and open space, on a 38.4 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. A determination was made with the original project that the impact of the project on biological resources was less than significant. Modification to the project concept will not change this conclusion. Any affected portions of the channel will require permits and approval from such agencies as Fish and Game, Fish and Wildlife and Army Corps. of Engineers. As conditioned and designed, the proposed amended tract map with modified conditions of approval to remove the senior housing requirement would not create serious health problems or significant environmental impacts.

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

FACT: The amended CUP is consistent in density with current and future developments within the general vicinity, including a new church site to the north existing residential single-family homes beyond to the north and west, a neighborhood church to the east and a school located to the south. The original project was deemed compatible with neighboring parcels of land, including those residential properties to the west within the Hidden Springs Specific Plan SP No. 195 and those single-family homes within Sunnymead Ranch under SP No. 168.

Tentative Tract Map

1. **Conformance with General Plan Policies – The proposed amendment to the Tentative Tract Map is consistent with the General Plan, and its goals, objectives, policies and programs.**

FACT: The applicant has proposed amendments to conditions of approval for Tentative Tract Map No. 32515 to remove the active senior housing requirement for the project. The original project included the subdivision of a 38.4 net-acre parcel into 174 single-family senior residential lots for

development purposes. The project also includes the protection of a natural drainage area located through the center of the site. The proposed amendment to the map is consistent with the General Plan policies, including conformance with the proposed R-5 (Residential -5) land use designation and the associated Planned Unit Development (PUD) and a maximum density of 5 units per acre. The project has a density of 4.6 units per acre. The proposed amendment to the map is also consistent with the land use map and Municipal Code.

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

FACT: The proposed land has been designed in accordance with the State Subdivision Map Act. The proposed amendment to the map does not change any design aspects of the map, but simply removes the senior housing requirement from the project. Said map complies with the Specific Plan and Map Act in that all lots have access from dedicated public streets.

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

FACT: As conditioned, the proposed amendment to the original approved map and land division for 174 residential lots in a gated senior complex on a 38.4-net acre parcel is in conformance with the General Plan and zoning district, and would not cause serious public health problems. The amended map is consistent with original project approvals and is compatible in design and density with surrounding developments and specifically with single-family residential properties in the general vicinity such as those projects located in the Hidden Springs and Sunnymead Ranch Specific Plans.

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

FACT: As conditioned and amended with the change of project concept, the proposed amended map and project will not result in the potential for impacts to fish and wildlife resources. A determination was made in the adopted Negative Declaration that the impact of the project on biological resources was less than significant in nature. As conditioned and designed, the proposed tract map would not cause serious health problems or significant environmental impacts.

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

FACT: The amended conditions of approval for the map and the removal of the senior housing concept will not change the original design. The proposed amendments to the conditions would not affect easements. The City Engineer had appropriately placed conditions of approval with the original project and Parcel Map No. 32515 regarding various project improvements.

6. **The effect of the proposed housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.**

FACT:The amended conditions of approval for the original map meet the intent of the General Plan and the Specific Plan by providing for single-family residential homes within an R5 land use designation. Proximity to existing residential land use allows for contiguous development and infrastructure. The project does not exceed a threshold, which would create potential significant impacts to fiscal and environmental resources. The project is required to pay development impact fees and school district fees to mitigate impacts in those respective areas.

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

FACT: The size, configuration and orientation of the lots in the original land division allowed solar access for passive heating and opportunities for placement of shade trees and

other vegetation for cooling. The amendment of conditions of approval for the map will not change the original land division.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The amended Condition Use Permit and Tentative Tract Map No. 32515 with amended conditions of approval under P13-061 incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2013-25, **ADOPTING** an Addendum to the original Negative Declaration and **APPROVING** P13-061 for an amended Conditional Use Permit (PA05-0057) and Tentative Tract Map (PA04-0108) to remove all language within the project conditions of approval pertaining to the age restricted senior housing requirement for a 174 lot single-family residential subdivision and Planned Unit Development (PUD) consisting of a 38.4 net-acre parcel subject to the attached amended conditions of approval included as Exhibits A and B to this resolution.

APPROVED this ____ day of _____, 2013.

Meli Van Natta
Chair, Planning Commission

ATTEST:

Chris Ormsby, Interim Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

Attached: Conditions of Approval

**CITY OF MORENO VALLEY
AMENDED CONDITIONS OF APPROVAL
P13-061
ORIGINAL PROJECT - CONDITIONAL USE PERMIT (PA05-0057)
APN: 260-040-005,006,007 and 008**

**APPROVAL DATE:
EXPIRATION DATE:**

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

- Planning (P), including School District (S), Post Office (PO), Building (B)**
- Fire Prevention Bureau (F)**
- Public Works, Land Development (LD)**
- Public Works, Enterprise Services (ES)**
- Public Works – Transportation (TE)**
- Parks & Recreation (PR)**
- Police (PD)**
- Other (Specify or Delete)**

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

- *P1. The approval of the Conditional Use Permit (CUP) under PA05-0057 shall be in conjunction with PA04-0108 (Tentative Tract Map No. 32515) and shall remain in effect at all times. Unless amended by this approval, all conditions of approval under PA05-0057 shall apply.**

- *P2. Although Tentative Tract Map No. 31424 will include the protection of a natural drainage channel and provide lots that fall below 7,200 sq feet and lot widths less than 70 feet, and lot depths less than 100 feet, the tract shall not exceed the maximum allowable density established within the R5 (Residential – 5) land use district at a maximum of five (5) units per acre.**

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	DC - Development Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UBC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

Exhibit A

- P3. Condition removed.
- P4. (BP) Prior to approval of any building permits, enhanced window and door treatments shall be included on the approved plans for all homes having side and/or reverse frontages to public streets or open space areas. For example, further architectural embellishments including, but not limited to additional foam trim around the windows, shutters, etc. shall be shown for all lots facing Pigeon Pass Road and Old Lake Road, subject to the approval of the Community Development Director.
- P5. Based on the requirements provided under Section 9.03.060 of the Municipal Code, Planned unit Developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. The following are deviations from the R5 land use district development requirements:
- Minimum lot size shall be 4,500 square feet with an average lot size of 5,000 square feet.
 - Minimum lot width shall be 65 feet.
 - Minimum front yard setback shall be 20 feet to the front facing garage and 10 feet to the footprint of the living area, excluding porches, or side facing garages.
 - Minimum side yard setback shall change to 5 feet on either side of the house.
 - Minimum rear yard setback shall be 15 feet, with a flat area of 10 feet.
 - Rear yard setback shall remain at 15 feet (R5 requirement), except that a minimum of 10 feet of the rear yard shall be flat or usable.
 - Cul de sac/knuckle lot frontage shall be 30 feet .
 - Maximum lot coverage shall be 50 percent.
 - Floor area ration shall be .50 for one-story homes and .70 (R5 requirement) for two-story homes.
- P6. Minimum lot size shall be 4,500 square feet, with a minimum average lot size of 5,000 square feet, while density for the entire tract shall not exceed five (5) dwelling units per acre with the approval of a density bonus.
- P7. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review of location and approval

for a six (6) foot high solid decorative split face block wall with pilasters along Old Lake Road and Pigeon Pass Road Avenue. Decorative block walls are also required along lot side yards (including returns) facing a right-of-way, while vinyl or other durable fencing materials are required between lots and in the rear of the property. In addition, an open wrought iron/ tubular steel or combination fence/decorative wall is required to protect the entire channel, natural drainage course, bio-ponds and detention basin areas from the designated lots. Said decorative fence shall be included in the rear of Lots 50, 51, 60, 61, 64 through 70, 72, 73, 78,79,84,85,90,91,96, and 97. All proposed gates in view of a right of way, such as entry and emergency gates, shall be decorative in nature. (DC 9.08.070)

- P8. ((GP) Prior to issuance of grading permits, the developer shall submit retaining wall plans to the Planning Division for review and approval of all proposed retaining. Mature/dense landscape shall be placed along Pigeon Pass Road to provide screening for all proposed retaining walls located on the northern periphery of the lot. Provide a detailed plan that depicts how the trees provided on the color wall rendering drawings will be placed adjacent to the walls. Walls on the north elevations shall be modified to include further undulation and visual character. Block walls at top of slope and on top of retaining walls shall be changed to decorative iron fencing to provide view potential and reduced solid height, subject to the approval of the Community Development Director. The proposed sidewalk or concreted area adjacent to the proposed perimeter/retaining wall on the north property line shall be modified to a landscape area. Modify Cross Section drawing F-F accordingly on the preliminary grading.**
- P9. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed per the approved plans on file in the Community and Economic Development Department – Planning Division. (DC 9.080.070, Ldscp).**
- P10. All proposed single-family home elevations shall be approved conceptually by the Planning Commission, with final approval from the Community Development Director based on review and approval of a model home complex application.**
- P11. (GP) Prior to the issuance of grading permits and prior to any physical disturbance of a natural drainage course, Blue Line Stream or any wetland**

determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from the California Department of Fish and Game. Written verification of such a permit or waiver shall be provided to the Community and Economic Development Department - Planning Division and the Public Works Department - Land Development Division. Depending on the review of all required agencies, a 404 permit, 1602 agreement and 401 certification may be required, and the City may require the applicant to mitigate the loss of jurisdictional waters at a ratio of not less than 1:1. Alternatively, the City will accept mitigation imposed by the regulatory agencies through the issuance of their permits prior to ground disturbance. (CEQA, State and Federal codes)

- P12. (GP) Prior to the issuance of grading permits, the final phase of a Burrowing Owl Study shall be completed, submitted to, and approved by the Community and Economic Development Director.**
- P13. (R) All lots containing open space areas (Lots AA, BB, CC, DD, EE FF, GG and lot 175 etc). for recreational (i.e. passive park) or for natural drainage purposes, shall remain protected at all times and labeled as conservation easements on the final map, which in turn would prevent any development from occurring and allow the area to remain in a natural state.**
- *P14. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division, which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:**
- a. The document to convey title**
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded**

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to proposed parcels, open space use restrictions, maintenance of common landscape areas such as drainage and detention basins, passive parks or open space, the community building, private roads, street lights etc. The approved documents shall contain a provision, which provides that they may not be terminated or substantially amended without the consent of the City or the developer's successor-in-interest. (MC 9.14.090)

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

- The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.
 - (R) All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA). All reverse frontage landscape and maintenance area, shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
- P15. (BP) Prior to the approval of any building permits, the final site plan for the Conditional Use Permit shall include benches and BBQ's within the exterior of the community recreation building for picnic, subject to the approval of the Community Development Department.
- P16. Landscape (trees, shrubs and groundcover) and irrigation shall be installed, maintained by the HOA, and required for the sides and or slopes of all detention basins and bio-ponds, while a hydroseed mix w/irrigation is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence or other fence or wall approved by the Community Development Director is required at the top of basin and pond slopes to fully secure said entities.
- P17. All courtyards shall include decorative pavers or decorative stamped concrete

AMENDED CONDITIONS OF APPROVAL

P13-061

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subject to the approval of the Community Development Director.

P18. All proposed homes and lots shall include automatic roll up garage doors.

P19. (BP) Prior to the approval of any building permits, traffic calming devices such as raised landscaped areas and/or expanded curbs at interior intersections to minimize traffic speeds (choker intersections) shall be reviewed subject to the approval of the Community Development Department and the City Traffic Engineer.

P20. This approval shall comply with all applicable requirements of the City of Moreno Valley Development Code.

P21. This approval shall expire three years after the approval date of Conditional Use Permit (PA03-0135) unless used or extended as provided for by the City of Moreno Valley Development 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. (DC 9.02.230)

P22. In the event the use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Development Code, this permit may be revoked in accordance with provisions of the Development Code. (DC 9.02.260)

P23. The provisions of the Municipal Code, including the design manual, their subsequent amendments, and the Conditions of Approval shall prevail unless modified herein. (DC 9.13)

P24. The site shall be developed in accordance with the approved plans on file in the Community and Economic Development Department - Planning Division, the Development Code regulations, the Landscape Development Guidelines and Specifications, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official or designee. (DC 9.14.020, Ldscp)

P25. The developer, or the developer's successor-in-interest, shall be responsible for

AMENDED CONDITIONS OF APPROVAL

P13-061

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maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (DC 9.02.030)

- P26. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris by the developer or the developer's successor-in-interest. (DC 9.02.030)
- P27. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community and Economic Development Department - Planning Division. (DC 9.12.020)
- P28. The Community and Economic Development Director and the City Engineer may allow improvements to be completed in stages (phasing) provided that the improvements necessary to adequately serve or mitigate the impacts of each phase of development are completed prior to issuance of a Certificate of Occupancy for that phase. (DC 9.08.220)
- P29. (GP) Prior to issuance of grading permits, all site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.
- P30. (BP) Prior to the issuance of building permits, the developer shall obtain "will-serve" letters or compliance certification from the following agencies:
- Moreno Valley Unified School District
 - Eastern Municipal Water and Sewer District
- P31. (BP) Prior to issuance of building permits, the developer or developers successor-in-interest shall pay the applicable development impact and park in-lieu fees. (Ord)

AMENDED CONDITIONS OF APPROVAL

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- P32. (GP/BP) Prior to issuance of precise grading permits, final front and street side yard landscape and irrigation plans, including but not limited to, perimeter and typical street tree landscape, shall be submitted to the Planning Division for review. **Vines or vine pockets are required adjacent to all project perimeter walls.** The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees. **In addition, all slopes of the entire existing drainage channel shall be landscaped to include trees, shrubs, and groundcover approved by the Community Development Director and maintained by an established HOA. Landscape shall be included for the passive park and exterior of the Community Recreation building. Street trees within designated easement area are also subject to the approval of the Community Development Director.**
- P33. (BP) Prior to issuance of building permits, final front and street side yard landscape, including but lot limited to perimeter and typical street tree landscape and irrigation plans shall be approved.
- P34. (CO) Prior to issuance of Certificates of Occupancy or building final, required landscaping and irrigation shall be installed. (MC 9.03.040)
- P35. (BP) Prior to issuance of building permits, the Community and Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG, Ldscp)
- P36. (BP) Prior to issuance of building permits, the applicant shall obtain a Land Use Clearance stamp from the Community and Economic Development Department - Planning Division on the final plan check set.

AMENDED CONDITIONS OF APPROVAL

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- P37. (GP) If archaeological, paleontological or historical resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person with appropriate expertise shall be consulted by the applicant regarding mitigation measures to preserve or record the find. Recommendations by the consultant shall be implemented as deemed necessary and feasible by the Community and Economic Development Director before work commences in the affected area. If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains might be those of a Native American, the California Native American Heritage Commission shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA)
- P38. (GP/BP) Prior to issuance of a grading permit(s), or building permits if grading permits are not required, the developer shall comply with the provisions of any applicable City ordinances and resolutions which have been established as mitigation for the Stephens' kangaroo rat. Mitigation may include payment of a Stephens' kangaroo rat (SKR) mitigation fee. (Ord)
- P39. All lots within Tract 32515 shall provide front yard landscape, irrigation and street trees.**
- *P40. A minimum of eight (8) footprints and four (4) elevations shall be included.**
- P41. Condition removed**
- P42. (BP) Prior to approval of any building permits for the tract, the Technical Site Plan/Plotting Map shall be modified to show that Lots 76 and 77 adjacent to Common Drive L meet established minimum PUD requirements for rear yard setback (15 feet, including 10 feet of usable flat area).**
- +P43. (BP/OC) Prior to the approval of any building permits, tot lot equipment locations shall be included and approved on a revised landscape plan, while prior to occupancy of 50% of the tract, tot lot equipment shall be constructed in approved passive park areas, subject to the approval of the Community and Economic Development Director.**

Building and Safety Division

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

MORENO VALLEY UNIFIED SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community and Economic Development Director written certification by the (Moreno Valley Unified 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 mail boxes. Multi-family residential development shall provide a solid weather-tight overhead structure with adequate lighting for the mailbox area.

Planning\MG\2004\PA05-0057\CUP Coa's

*Modified from the original conditions of approval
+Added to the original conditions of approval

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
P13-061**

Revised Tentative Tract 32515 and Conditional Use Permit located on the northeast corner of Pigeon Pass Road and Old Lake Drive.

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

Transportation Engineering Division

GENERAL CONDITIONS

- TE1. Pigeon Pass Road is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. 105A. Any improvements to the roadway shall be per City standards.
- TE2. Old Lake Drive is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. 105A. Any improvements to the roadway shall be per City standards.
- TE3. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. 117 for residential driveway approach.
- TE4. Gated entrances shall be provided with the following:
- a) A storage lane with length sufficient to support an emergency response vehicle.
 - b) A second storage lane for visitors to stop in prior to the gate to utilize a call box (or other device) to receive permission to enter the site.
 - c) Signing and striping for a and b.
 - d) A turnaround outside the gates.
 - e) No Parking signs shall be posted in the turnaround areas.
 - f) A separate pedestrian entry.
 - g) Presence loop detectors (or another device) within 1 to 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

- TE5. The Freesia Place connection to Pigeon Pass Road shall have full access. The City reserves the right to restrict access in the future if conditions warrant a modification. The Poppy Way connection to Pigeon Pass Road shall be emergency access and exit only for residents. The Meadow Lark Avenue connection to Old Lake Drive shall have full access.

TE6. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE7. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.

TE9. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. 125A, B, C.

PRIOR TO BUILDING PERMIT

TE10. (BP) Prior to the issuance of Building Permits, the project applicant shall pay to the City fair-share traffic impact fees (not covered by DIF and/orTUMF) per the findings of the traffic study. An engineer's cost estimate shall be submitted to the City for approval by the City Engineer that summarizes the costs for the following improvements:

- **Pigeon Pass Road/Old Lake Drive: Implement right turn overlap traffic signal phasing for eastbound right turn lane.**
- **Pigeon Pass Road/Ironwood Avenue: Add northbound right turn lane, southbound right turn lane with traffic signal overlap, eastbound dual left turn lanes, westbound right turn lane.**
- **Pigeon Pass Road/SR-60 EB Ramp-Sunnymead Blvd: Add southbound dual left turn lanes; restripe westbound approach for one left turn lane, one shared left and right turn lane, and one right turn lane.**

The follow summarizes the fair share percentages:

- **Pigeon Pass Road/Old Lake Drive: 26%**
- **Pigeon Pass Road/Ironwood Avenue: 3.7%**
- **Pigeon Pass Road/SR-60 EB Ramp-Sunnymead Blvd: 1.1%**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE11. (CO) Prior to issuance of a Certificate of Occupancy, install all signing and striping per approved plans to the satisfaction of the City Traffic Engineer.

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

TE12. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

**CITY OF MORENO VALLEY
AMENDED CONDITIONS OF APPROVAL
P13-061
ORIGINAL PROJECT – PA04-0108
TENTATIVE TRACT MAP No. 32515
A.P.N.: 260-040-005,006,007 and 008**

Approval Date:
Expiration Date:

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

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

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

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

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

- P3. The site shall be developed in accordance with the approved tentative map on file in the Community and Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)

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

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

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

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

**PLANNING DIVISION
CONDITIONS OF APPROVAL**

Page 2

- 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, while developer or successor-in-interest owns said undeveloped property. (MC 9.02.030)
- P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris, by the developer or the developer's successor-in-interest. (MC 9.02.030)
- P6. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)
- P7. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable fees, including but not limited to development impact fees and park in-lieu fees. (Ord)
- P8. (GP) Prior to issuance of any grading permits, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community and Economic Development Director or designee. (GP Objective 4.4, 4.5, DG)
- P9. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)
- P10. (CO) Prior to the issuance of Certificates of Occupancy or building final, landscape and irrigation for all cut or fill slopes over 3 feet high shall be installed. Landscaping on lots not yet having dwelling units shall be maintained by the developer weed and disease free. (MC 9.03.040)

- P11. GP/BP) Prior to issuance of precise grading permits, final front and street side yard landscape and irrigation plans, including but not limited to, perimeter and typical street tree landscape, shall be submitted to the Planning Division for review. **Vines or vine pockets are required adjacent to all project perimeter walls.** The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees. **In addition, all slopes of the entire existing drainage channel shall be landscaped to include trees, shrubs, and groundcover approved by the Community Development Director and maintained by an established HOA. Landscape shall be included for the passive park and exterior of the Community Recreation building. Street trees within designated easement area are also subject to the approval of the Community Development Director.**
- P12. (BP) Prior to issuance of building permits, final front and street side yard landscape, including but lot limited to perimeter and typical street tree landscape and irrigation plans shall be approved.
- P13. (CO) Prior to issuance of Certificates of Occupancy or building final, required landscaping and irrigation shall be installed. (MC 9.03.040)
- P14. (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 and Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) 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 shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA)
- P15. (GP) Prior to issuance of grading permits, the developer shall comply with the provisions of any applicable City ordinances and resolutions, which have been established as mitigation for the Stephens' kangaroo rat (SKR). Mitigation may include payment of a SKR mitigation fee prior to issuance of a grading permit(s). (Ord)

- P16. The City is participating in the Western Riverside County Multi-species Habitat Conservation Plan (MSHCP), a comprehensive habitat conservation-planning program addressing multiple species' needs, including preservation of habitat and native vegetation in Western Riverside County. This project may be subject to fees if adopted by the City to support the implementation of the Multi-species Habitat Conservation Plan.
- *P17. The approval of Tentative Tract Map No. 32515 (PA04-0108) shall be in conjunction with PA05-0057 (Conditional Use Permit) and shall remain in effect at all times. Unless amended by this approval, all conditions of approval under PA04-0108 shall apply.**
- P18. Condition removed
- P19. **(GP) Prior to issuance of building permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for a six (6) foot high solid decorative split face block wall with pilasters along Old Lake Road and Pigeon Pass Road Avenue. Decorative block walls are also required along lot side yards (including returns) facing a right-of-way, while vinyl or other durable fencing materials are required between lots and in the rear of the property. In addition, an open wrought iron/ tubular steel or combination fence/decorative wall is required to protect the entire channel, natural drainage course, bio-ponds and detention basin areas from the designated lots. Said decorative fence shall be included in the rear of Lots 50, 51, 60, 61, 64 through 70, 72, 73, 78,79,84,85,90,91,96, and 97. All proposed gates in view of a right of way, such as entry and emergency gates, shall be decorative in nature. (DC 9.08.070)**
- P20. **(GP) Prior to issuance of grading permits, the developer shall submit retaining wall plans to the Planning Division for review and approval of all proposed retaining. Mature/dense landscape shall be placed along Pigeon Pass Road to provide screening for all proposed retaining walls located on the northern periphery of the lot. Provide a detailed plan that depicts how the trees provided on the color wall rendering drawings will be placed adjacent to the walls. Walls on the north elevations shall be modified to include further undulation and visual character. Block walls at top of slope and on top of retaining walls shall be changed to decorative iron fencing to provide view potential and reduced solid height, subject to the approval of the Community Development Director. The proposed sidewalk or concreted area adjacent to the proposed perimeter/retaining wall on the north property line shall be modified to a landscape area. Modify Cross Section drawing F-F accordingly on the preliminary grading.**

- P21. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed per the approved plans on file in the Community Development Department/ Planning Division. (MC 9.080.070)**
- P22. (GP) Prior to the issuance of grading permits and prior to any physical disturbance of a natural drainage course, Blue Line Stream or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from the California Department of Fish and Game. Written verification of such a permit or waiver shall be provided to the Community and Economic Development Department - Planning Division and the Public Works Department - Land Development Division. Depending on the review of all required agencies, a 404 permit, 1602 agreement and 401 certification may be required, and the City may require the applicant to mitigate the loss of jurisdictional waters at a ratio of not less than 1:1. Alternatively, the City will accept mitigation imposed by the regulatory agencies through the issuance of their permits prior to ground disturbance. (CEQA, State and Federal codes)**
- P23. (GP) Prior to the issuance of grading permits, the final phase of a Burrowing Owl Study shall be completed, submitted to, and approved by the Community and Economic Development Director.**
- P24. (R) All lots containing open space areas (Lots AA, BB, CC, DD, EE FF, GG and lot 175 etc). for recreational (i.e. passive park) or for natural drainage purposes, shall remain protected at all times and labeled as conservation easements on the final map, which in turn would prevent any development from occurring and allow the area to remain in a natural state.**
- *P25. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division, which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:**
- a. The document to convey title**
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded**

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to proposed parcels, open space use restrictions, maintenance of common landscape areas such as drainage and detention basins, passive parks or open space, the community building, private roads, street lights etc. The approved documents shall contain a provision, which provides that they may not be terminated or substantially amended without the consent of the City or the developer's successor-in-interest. (MC 9.14.090)

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

- The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.
 - (R) All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA). All reverse frontage landscape and maintenance area, shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
- P26. (GP/BP/CO) Landscape (trees, shrubs and groundcover) and irrigation shall be installed, maintained by the HOA, and required for the sides and or slopes of all detention basins and bio-ponds, while a hydroseed mix w/irrigation is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence or other fence or wall approved by the Community Development Director is required at the top of basin and pond slopes to fully secure said entities.
- P27. Condition removed
- P28. (R) Prior to recordation of the final map, the cross section drawing on the map for the right of way along Old Lake Road shall be modified to include the entire drawing from curb to property line and show that landscape is provided for the entire area, not including designated hardscape areas.
- P29. (GP) Prior to the approval of a grading permit, the applicant shall provide final documentation of the necessary easement agreement by the Sunnymead Ranch Homeowners Association to the Planning Division and Public Works.

Building and Safety Division

B-1. The project shall comply with the current California Codes. (CBC, CEC, CMC and the CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall be submitted to the Building Department as a separate submittal.

MORENO VALLEY UNIFIED SCHOOL DISTRICT

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

UNITED STATES POSTAL SERVICE

PO-1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

***Modified from the original conditions of approval**

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
P13-061**

Revised Tentative Tract 32515 and Conditional Use Permit located on the northeast corner of Pigeon Pass Road and Old Lake Drive.

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

Transportation Engineering Division

GENERAL CONDITIONS

- TE1. Pigeon Pass Road is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. 105A. Any improvements to the roadway shall be per City standards.
- TE2. Old Lake Drive is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. 105A. Any improvements to the roadway shall be per City standards.
- TE3. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. 117 for residential driveway approach.
- TE4. Gated entrances shall be provided with the following:
- a) A storage lane with length sufficient to support an emergency response vehicle.
 - b) A second storage lane for visitors to stop in prior to the gate to utilize a call box (or other device) to receive permission to enter the site.
 - c) Signing and striping for a and b.
 - d) A turnaround outside the gates.
 - e) No Parking signs shall be posted in the turnaround areas.
 - f) A separate pedestrian entry.
 - g) Presence loop detectors (or another device) within 1 to 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

- TE5. The Freesia Place connection to Pigeon Pass Road shall have full access. The City reserves the right to restrict access in the future if conditions warrant a modification. The Poppy Way connection to Pigeon Pass Road shall be emergency access and exit only for residents. The Meadow Lark Avenue connection to Old Lake Drive shall have full access.

TE6. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE7. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.

TE9. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. 125A, B, C.

PRIOR TO BUILDING PERMIT

TE10. (BP) Prior to the issuance of Building Permits, the project applicant shall pay to the City fair-share traffic impact fees (not covered by DIF and/orTUMF) per the findings of the traffic study. An engineer's cost estimate shall be submitted to the City for approval by the City Engineer that summarizes the costs for the following improvements:

- **Pigeon Pass Road/Old Lake Drive: Implement right turn overlap traffic signal phasing for eastbound right turn lane.**
- **Pigeon Pass Road/Ironwood Avenue: Add northbound right turn lane, southbound right turn lane with traffic signal overlap, eastbound dual left turn lanes, westbound right turn lane.**
- **Pigeon Pass Road/SR-60 EB Ramp-Sunnymead Blvd: Add southbound dual left turn lanes; restripe westbound approach for one left turn lane, one shared left and right turn lane, and one right turn lane.**

The follow summarizes the fair share percentages:

- **Pigeon Pass Road/Old Lake Drive: 26%**
- **Pigeon Pass Road/Ironwood Avenue: 3.7%**
- **Pigeon Pass Road/SR-60 EB Ramp-Sunnymead Blvd: 1.1%**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE11. (CO) Prior to issuance of a Certificate of Occupancy, install all signing and striping per approved plans to the satisfaction of the City Traffic Engineer.

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

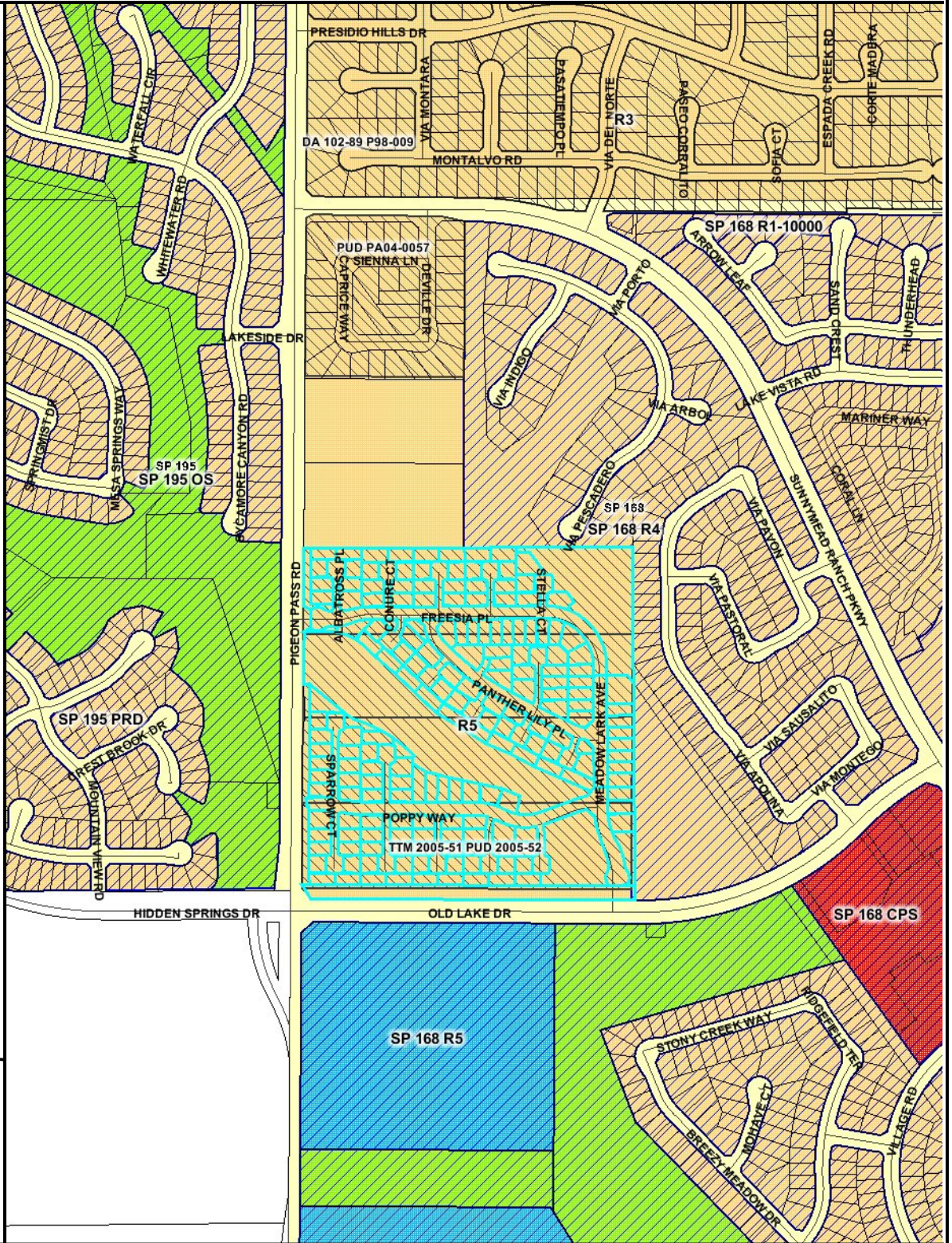
TE12. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

Zoning Map

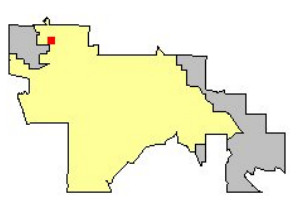
P13-061 - Amended CUP and TTM

Legend

-  Selected Features
-  Highways
-  Parcels
-  Roads
-  Zoning AICUZ
-  Zoning PUD
-  Zoning ISA
-  Medical Overlay
-  Zoning Residential Buffer
-  PAKO
-  Specific Plans
- Zoning**
-  Commercial
-  Industrial/Business Park
-  Large Lot Residential
-  Multi-family
-  Office
-  Open Space/Park
-  Planned Development
-  Public Facilities
-  Residential 2 Dwellings/Acre
-  Residential Agriculture 2 Dwellings/Acre
-  Suburban Residential
-  Waterbodies
- City Boundaries**
-  Calimesa
-  Moreno Valley
-  Perris
-  Riverside

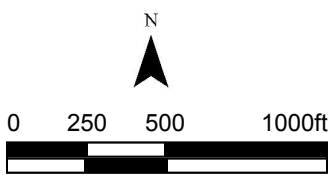


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City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

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ATTACHMENT 3

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Aerial Map

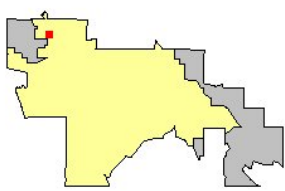
P13-061 - Amended CUP and TTM

Legend

-  Selected Features
-  Highways
-  Parcels
-  Roads
-  March Installation Area
-  Waterbodies
-  Sphere of Influence
-  Ortho Photography
- City Boundaries**
-  Calimesa
-  Moreno Valley
-  Perris
-  Riverside

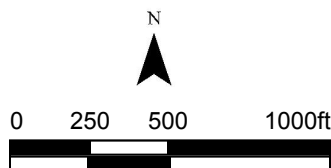


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City of Moreno Valley
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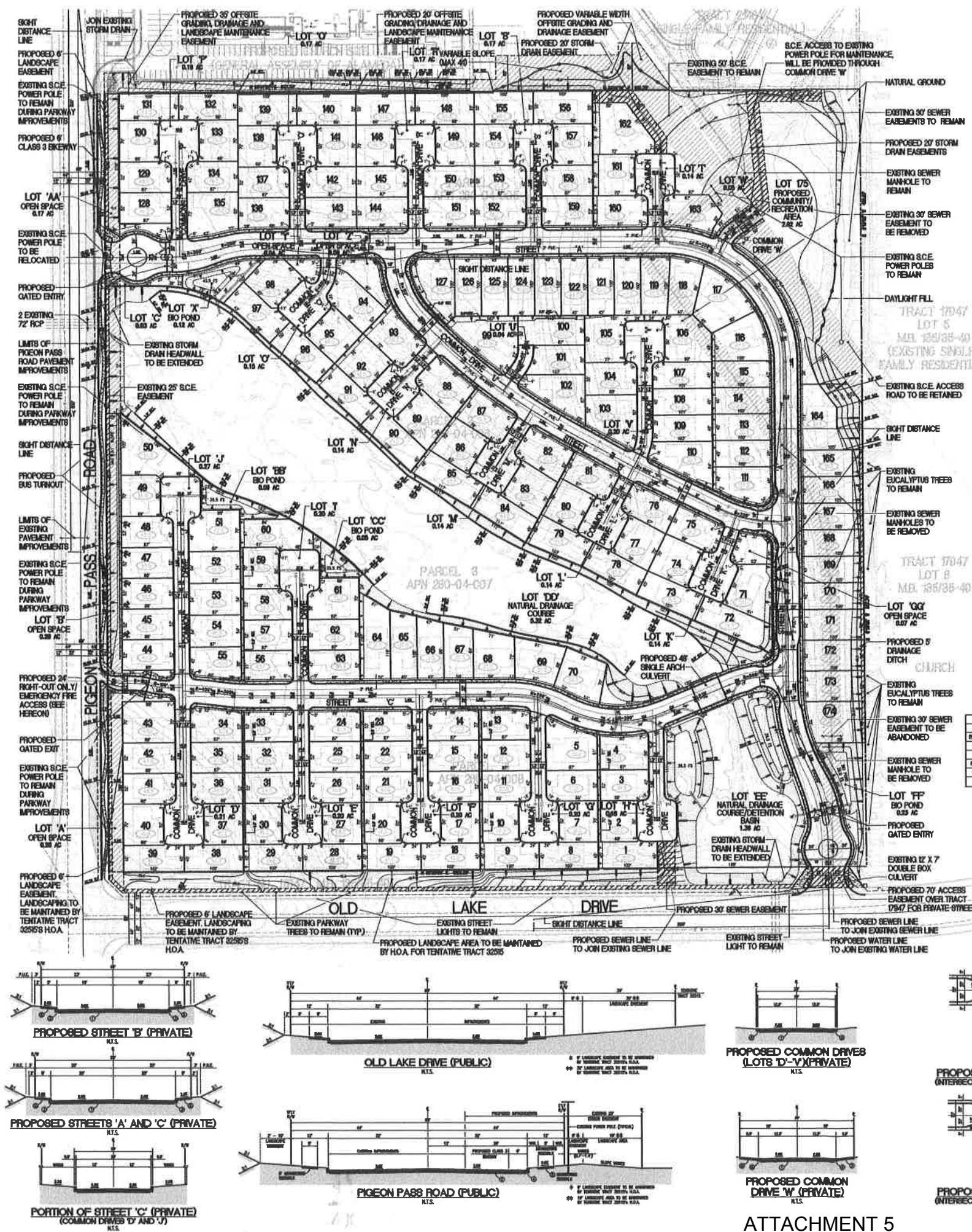
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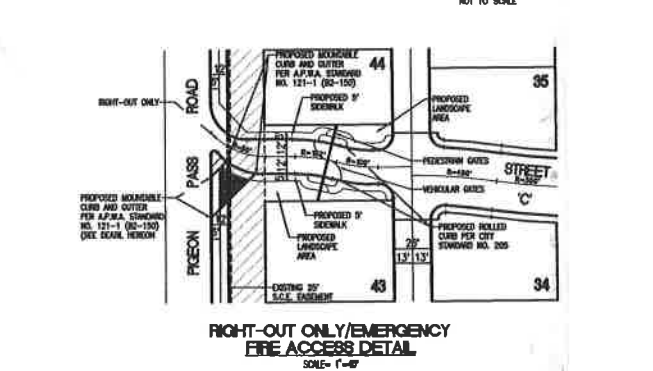
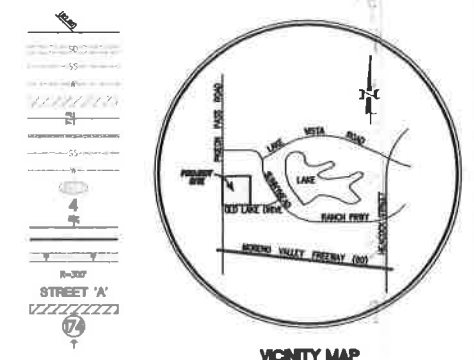


LOT SUMMARY

LOT NO.	LOT AREA (SF.)	LOT FRONTAGE (LF.)	LOT DEPTH (LF.)	LOT AREA (SF.)	LOT FRONTAGE (LF.)	LOT DEPTH (LF.)	LOT AREA (SF.)	LOT FRONTAGE (LF.)	LOT DEPTH (LF.)	LOT AREA (SF.)	LOT FRONTAGE (LF.)	LOT DEPTH (LF.)	LOT AREA (SF.)	LOT FRONTAGE (LF.)	LOT DEPTH (LF.)
1	4,511	32'	56'	4,513	66'	71'	8,208	74'	106'	6,280	66'	141'	4,641	66'	67'
2	4,641	66'	37'	4,641	66'	72'	8,101	32'	107'	4,534	66'	142'	4,513	66'	67'
3	4,513	66'	38'	4,511	32'	73'	4,814	32'	108'	4,541	66'	143'	4,509	66'	67'
4	4,180	66'	39'	4,940	32'	74'	4,940	66'	109'	4,556	66'	144'	4,509	66'	67'
5	4,511	66'	40'	4,794	66'	75'	4,956	66'	110'	4,541	123'	145'	4,513	66'	67'
6	4,513	66'	41'	4,514	66'	76'	4,862	32'	111'	4,539	66'	146'	4,513	66'	67'
7	4,511	66'	42'	4,814	32'	77'	4,972	32'	112'	4,500	66'	147'	4,511	32'	67'
8	4,511	32'	43'	4,514	70'	78'	4,723	32'	113'	4,500	66'	148'	4,511	32'	67'
9	4,511	32'	44'	4,578	32'	79'	5,083	32'	114'	4,500	66'	149'	4,511	32'	67'
10	4,641	66'	45'	4,589	32'	80'	4,730	66'	115'	4,500	66'	150'	4,513	66'	67'
11	4,513	66'	46'	4,557	32'	81'	4,543	66'	116'	4,527	66'	151'	4,509	66'	67'
12	4,508	66'	47'	4,814	66'	82'	4,920	32'	117'	4,500	66'	152'	4,513	66'	67'
13	4,508	66'	48'	4,504	66'	83'	5,020	66'	118'	4,500	66'	153'	4,513	66'	67'
14	4,508	66'	49'	4,500	66'	84'	4,900	66'	119'	4,500	66'	154'	4,513	66'	67'
15	4,524	66'	50'	7,035	66'	85'	5,370	32'	120'	4,500	66'	155'	4,511	32'	67'
16	4,513	66'	51'	3,825	66'	86'	4,226	66'	121'	4,500	66'	156'	4,511	32'	67'
17	4,641	66'	52'	4,686	66'	87'	4,219	66'	122'	4,500	66'	157'	4,511	32'	67'
18	4,511	32'	53'	4,498	54'	88'	5,509	66'	123'	4,500	66'	158'	4,513	66'	67'
19	4,511	32'	54'	4,500	54'	89'	5,221	66'	124'	4,500	66'	159'	4,509	66'	67'
20	4,641	66'	55'	4,827	66'	90'	5,134	32'	125'	4,500	66'	160'	4,509	66'	67'
21	4,513	66'	56'	4,500	66'	91'	4,988	32'	126'	4,500	66'	161'	4,509	66'	67'
22	4,524	66'	57'	4,524	66'	92'	4,915	66'	127'	4,487	73'	162'	7,836	32'	67'
23	4,508	66'	58'	4,312	64'	93'	5,751	66'	128'	4,548	52'	163'	5,033	66'	67'
24	4,609	66'	59'	4,633	63'	94'	4,660	72'	129'	4,530	66'	164'	1,342	112'	67'
25	4,524	66'	60'	5,880	36'	95'	4,201	66'	130'	4,484	66'	165'	4,324	66'	67'
26	4,513	66'	61'	5,538	63'	96'	4,983	32'	131'	4,513	32'	166'	4,724	45'	67'
27	4,641	66'	62'	4,524	32'	97'	4,845	32'	132'	4,511	32'	167'	4,724	45'	67'
28	4,511	32'	63'	4,500	32'	98'	4,511	66'	133'	4,511	32'	168'	4,724	45'	67'
29	4,511	32'	64'	4,686	32'	99'	7,771	129'	134'	4,513	67'	169'	4,725	45'	67'
30	4,541	66'	65'	5,002	66'	100'	5,618	66'	135'	4,513	67'	170'	4,725	45'	67'
31	4,513	66'	66'	4,900	45'	101'	4,908	51'	136'	4,625	66'	171'	5,400	52'	67'
32	4,524	66'	67'	4,500	66'	102'	4,504	134'	137'	4,513	66'	172'	4,640	52'	67'
33	4,612	66'	68'	4,521	70'	103'	6,545	66'	138'	4,641	66'	173'	5,450	52'	67'
34	4,582	66'	69'	4,529	67'	104'	4,830	70'	139'	5,511	32'	174'	6,829	72'	67'
35	4,494	52'	70'	5,539	67'	105'	5,753	66'	140'	5,511	32'	175'	6,829	72'	67'

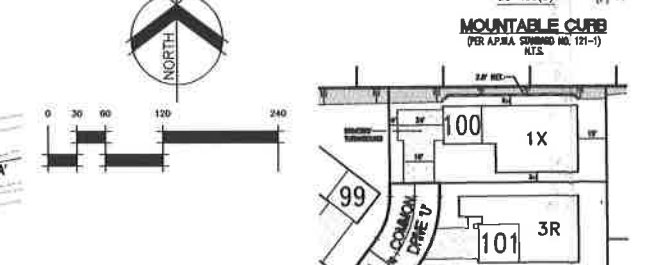
LEGEND

- EXISTING STREET ELEVATION
- EXISTING STORM DRAIN
- EXISTING SEWER SYSTEM
- EXISTING WATER SYSTEM
- EXISTING UTILITY ELEVATION
- PROPOSED STREET ELEVATION
- PROPOSED STORM DRAIN SYSTEM
- PROPOSED SEWER SYSTEM
- PROPOSED WATER SYSTEM
- PROPOSED FLOOD ELEVATION
- PROPOSED LOT NUMBER
- PROPOSED REVENUE WALL
- TODAY'S TRACT BOUNDARY
- PROPOSED 2:1 SLOPE
- PROPOSED CONCRETE BANKS
- PRIVATE STREET LOTS
- PROPOSED UTILITY ELEVATION
- HIGHEST NAT. RESIDENTIAL LOT
- PROPOSED FIRE HYDRANT



REVISIONS

DATE	NO.	DESCRIPTION
8/28/2005	1	REVISED OLD LAKE DR. AND PIGEON PASS RD. STREET SECTIONS
8/28/2005	2	REVISED LOTS 71, 76, AND 77 TO MEET NEAR SETBACK
8/28/2005	3	REVISED LOT LINES ON LOT 100 & 164, ADD LANDSCAPE EASEMENTS ALONG PIGEON PASS ROAD & OLD LAKE DRIVE
8/28/2005	4	LOT 100 DETAIL, CHOKER DETAIL
8/10/05	5	ADD CHOKERS TO STREET 'A-C'



- BENCHMARK**
RIVERSIDE COUNTY CORNER M-127-53, FOUND ALHAMBRA DISC MARKED "RIVERSIDE COUNTY BENCH MARK 16-177-53, SET IN CONCRETE, LOCATION: 1/2 MI. WEST OF OLD LAKE DRIVE, 50' WEST OF THE SOUTHWEST CORNER OF A 50' WIDE X 60' LOT.
- STREET CONSTRUCTION NOTES**
- CONSTRUCT A.C. PAVEMENT PER CITY OF MORENO VALLEY STANDARD PLAN No. 106.
 - CONSTRUCT A.C. PAVEMENT PER CITY OF MORENO VALLEY STANDARD PLAN No. 108.
 - CONSTRUCT 4" CURB AND GUTTER FOR THE CITY OF MORENO VALLEY STANDARD PLAN No. 300.
 - CONSTRUCT 4" CURB AND GUTTER FOR THE CITY OF MORENO VALLEY STANDARD PLAN No. 301.
 - CONSTRUCT SIDEWALK PER THE CITY OF MORENO VALLEY STANDARD PLAN No. 302.
 - CONSTRUCT TYPE "1" BOLLARD CURB FOR THE CITY OF MORENO VALLEY STANDARD PLAN No. 302.

GENERAL INFORMATION

- EXISTING LAND USE: SINGLE-FAMILY RESIDENTIAL
- EXISTING GENERAL PLAN: SINGLE-FAMILY RESIDENTIAL (COURT HEARING COMPLETE)
- EXISTING ZONING: R-1
- PROPOSED GENERAL PLAN: SINGLE-FAMILY RESIDENTIAL (COURT HEARING COMPLETE)
- PROPOSED ZONING: R-1
- PROPOSED LAND USE: SINGLE-FAMILY RESIDENTIAL (COURT HEARING COMPLETE)
- ALL GRADING SHALL BE A MINIMUM OF 2%, UNLESS OTHERWISE SHOWN AND APPROVED, INCLUDING THE TWO SLOPES.
- THE SUBMITTER HEREBY RECEIVES THE RIGHT TO THE MULTIPLE FINAL MAPS FOR THE TENTATIVE TRACT MAP, PROVIDED BY THE CITY OF MORENO VALLEY.
- ALL SLOPES PROVIDED ARE FINISHED AND APPROVED BY A REGISTERED PROFESSIONAL ENGINEER.
- PROVIDE ELEVATIONS SHOWN MAY BE ADJUSTED PLUS OR MINUS 2 FEET.
- PROVIDE REMEDIATION TO BE MET BY IN LIEU FEES.
- ADDITIONAL LAND USE: PROPOSED CHURCH FACILITIES/SINGLE-FAMILY RESIDENTIAL, SINGLE-FAMILY RESIDENTIAL/MULTI-FAMILY RESIDENTIAL, SCHOOL.
- THE CITY OF MORENO VALLEY HAS REVIEWED THIS TENTATIVE TRACT MAP.
- ESTIMATED EARTHWORK QUANTITIES: CUT: 184,200 (CUBIC YARDS); FILL: 34,300 (CUBIC YARDS).
- THE PRELIMINARY GEOTECHNICAL/SHOULDER REPORT WAS PREPARED BY GEOTECH.
- THESE ARE NOT EXISTING PHYSICAL STRUCTURES WITHIN THE BOUNDARY OF THIS TENTATIVE TRACT MAP.
- MINIMUM PRIVATE STREET WIDTH: 100 FEET.
- DEVELOPER HEREBY RECEIVES THE RIGHT TO MAKE LOTS ON TRACT MAP.
- THESE ARE NOT EXISTING PHYSICAL STRUCTURES WITHIN THE BOUNDARY OF THIS TENTATIVE TRACT MAP.
- ALL IMPROVEMENTS REQUIRED BY THE CITY OF MORENO VALLEY SHALL BE INSTALLED TO THE SATISFACTION OF THE CITY ENGINEER.
- PRIVATE DRIVEWAYS AND COMMON DRIVES SHALL NOT HAVE DIRECT ACCESS OFF OLD LAKE ROAD AND PIGEON PASS ROAD.
- PIGEON PASS ROAD PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY'S STANDARD PLAN No. 300.
- ALL LOT DIMENSIONS ARE APPROXIMATE.
- THE FINAL RECORD MAP SHALL BE FILED AND RECORDED PROBABLY ON OR ABOUT DECEMBER 2005.
- THE PROPOSED OVER SPACE LOTS 'W', 'X', 'Y', 'Z', AND 'AA' ARE PRIVATE AND SHALL BE IMPROVED BY AN I.L.A.
- THE PROPOSED OVER SPACE LOTS 'W', 'X', 'Y', 'Z', AND 'AA' ARE PRIVATE AND SHALL BE IMPROVED BY AN I.L.A.
- THE PROPOSED PRIVATE COMMON/RECREATION AREA SHALL BE CONSTRUCTED BY THE SUBMITTER AND IMPROVED BY AN I.L.A.
- SCHOOL DISTRICT: MORENO VALLEY
- FOR THE CITY OF MORENO VALLEY PLANNING DEPARTMENT, THE PROPERTY LIES WITHIN ZONE R-1 PER THE FLOOD MAP (HYDROLOGICAL DATED JUNE 14, 1997).
- COMMON DRIVE LOTS ARE PRIVATE AND SHALL BE IMPROVED BY AN I.L.A.
- LANDSCAPE ACCESS BARRIERS ON PRIVATE DRIVEWAYS SHALL BE CONSTRUCTED PER CITY OF MORENO VALLEY STANDARD PLAN No. 216.
- PROVIDE ACCESS BARRIERS FOR PRIVATE DRIVE 'W' AT THE INTERSECTION OF PIGEON PASS ROAD AND OLD LAKE ROAD TO BE CONSTRUCTED PER CITY OF MORENO VALLEY STANDARD PLAN No. 216.
- DEVELOPER TO MAKE AND/OR LOWER EXISTING S.C.E. POWER POLES TO ACCOMMODATE PROPOSED OVERSPACE FACILITIES AND TO BE INSTALLED DURING CONSTRUCTION TO MAINTAIN ELEVATION.
- DEVELOPER SHALL CONTACT ANY REMAINING STREET IMPROVEMENTS ALONG OLD LAKE ROAD FOR CITY'S STANDARD PLAN No. 216.
- DEVELOPER SHALL OBTAIN OFFICE GRADING AND STORM DRAIN EXEMPTION FROM THE PROPERTY OWNER AND IMPROVED BY AN I.L.A.
- DEVELOPER SHALL NOTIFY THE TRAFFIC SIGNAL AT THE INTERSECTION OF PIGEON PASS ROAD AND OLD LAKE ROAD TO ACCOMMODATE THE MOVING OF PIGEON PASS ROAD.
- DEVELOPER SHALL NOTIFY THE TRAFFIC SIGNAL AT THE INTERSECTION OF PIGEON PASS ROAD AND OLD LAKE ROAD TO ACCOMMODATE THE MOVING OF PIGEON PASS ROAD.
- TENTATIVE TRACT IS INCLUDED IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND COMMUNITY FACILITIES DISTRICT No. 1.
- TENTATIVE TRACT HAS BEEN DEDICATED TO BE INCLUDED IN THE FORMATION OF A COMMUNITY FACILITIES DISTRICT FOR PUBLIC SAFETY SERVICES.
- TENTATIVE TRACT SHALL BE INCORPORATED INTO THE MORENO VALLEY COMMUNITY SERVICES DISTRICT 'D' (PUBLIC AND RECREATION) AND 'C' (LOCAL STREET LIGHTING).
- DEVELOPER SHALL INSTALL STREET LIGHTING ON PIGEON PASS ROAD ALONG THE PROPOSED FRONTAGE AND ON OLD LAKE ROAD ALONG THE PROPOSED FRONTAGE.
- DEVELOPER SHALL CONDUCT A BUS TURNOUT SHALL BE INSTALLED PER CITY STANDARD PLAN No. 121 ON THE EAST SIDE OF PIGEON PASS ROAD NORTH OF OLD LAKE ROAD.
- ALL RESIDENTIAL DRIVEWAYS SHALL BE CONSTRUCTED TO THE CITY STANDARD PLAN No. 117.
- PROPOSED LANDSCAPING NORTH OF OLD LAKE ROAD TO SOUTHERN TRACT BOUNDARY TO BE IMPROVED BY AN I.L.A.

UTILITY PROVIDERS

WATER: EASTERN MUNICIPAL WATER DISTRICT
SEWER: EASTERN MUNICIPAL WATER DISTRICT
GAS: CALIFORNIA GAS COMPANY
ELECTRIC: SOUTHERN CALIFORNIA Edison
TELEPHONE: VERIZON
CABLE: JUPITER
FLOOD CONTROL: RIVERSIDE COUNTY FLOOD CONTROL DISTRICT

LEGAL DESCRIPTION

PARCEL 1: THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 25, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO COUNTY, CALIFORNIA, BEING EXCEPTING THE WESTERN 44 FEET THEREOF.

PARCEL 2: THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 25, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO COUNTY, BEING EXCEPTING THE WESTERN 44 FEET THEREOF.

PARCEL 3: THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 25, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO COUNTY, BEING EXCEPTING THE WESTERN 44 FEET THEREOF.

PARCEL 4: THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 25, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO COUNTY, BEING EXCEPTING THE WESTERN 44 FEET THEREOF.

AGREEMENTS PARCEL NUMBERS

280-040-005
280-040-007
280-040-008

BASE OF BEARINGS

BASE OF BEARINGS FOR THIS PLAN IS THE CORNER OF PIGEON PASS ROAD BEING NORTH 07°12'30" WEST PER TRACT 17047 AS RECORDED IN BOOK 130, PAGES 35-40, OF MAPS, IN THE COUNTY OF RIVERSIDE.

OWNERS
SUNNYMEAD GARDENS L.L.C.
3265 CASPIAN SEA DRIVE
DANA POINT, CA 92629
PHONE: (949) 677-6720
ATTN: MR. PAVAN KUMAR

APPLICANT / DEVELOPER
SUNNYMEAD GARDENS L.L.C.
3265 CASPIAN SEA DRIVE
DANA POINT, CA 92629
PHONE: (949) 677-6720
ATTN: MR. PAVAN KUMAR

PREPARED FOR
Sunnymead Gardens, L.L.C.
3265 CASPIAN SEA DRIVE
DANA POINT, CA 92629

PREPARED BY
MDS CONSULTING
17200 Soledad Ave.
Suite 100
Livermore, CA 94551
Phone: 925-461-8511
Fax: 925-461-8514
PLANNERS ENGINEERS SURVEYORS

LAND USE SUMMARY

LOTS	LAND USE	ACREAGE	PERCENTAGE
1 - 174	SINGLE-FAMILY RESIDENTIAL (COURT HEARING)	18.80	51.8
175	COMMUNITY/RECREATION AREA	2.82	6.7
'X', 'Y', 'Z', 'AA'	BD PONDS	0.40	1.3
'W' AND 'V'	OPEN SPACE	0.88	2.3
'W'	PRIVATE DRIVEWAYS	4.81	12.4
'X', 'Y', 'Z'	NATURAL DRAINAGE/RETENTION BASIN	8.88	23.2
'W' - 'V'	PRIVATE COMMON DRIVES	3.27	8.5
	GROSS ACREAGE	36.78	100.0

* INCLUDES MANUFACTURED 2:1 SLOPES

TENTATIVE TRACT NO. 32515

NUMBER OF LOTS	211	NUMBER OF LOTS	38,70
SINGLE-FAMILY RESIDENTIAL	174	COMMUNITY/RECREATION AREA	6
OPEN SPACE	7	BD PONDS	2
PRIVATE DRIVEWAYS	4	MANUFACTURED 2:1 SLOPES	1
PRIVATE COMMON DRIVES	20		
NATURAL DRAINAGE/RETENTION BASIN	2		
COMMUNITY/RECREATION AREA	1		

LOT AREA SUMMARY

MINIMUM LOT SIZE:	4,500 SF
MINIMUM LOT SIZE:	11,342 SF
MINIMUM LOT SIZE:	11,342 SF
GROSS ACREAGE:	36.78 AC
NET ACREAGE:	36.78 AC
LOT DENSITY:	4.49 DU/AC
NET DENSITY:	4.52 DU/AC

**SENIOR HOUSING COMMUNITY
SUNNYMEAD GARDENS
TENTATIVE TRACT No. 32515**

CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

1/16/06/PLN/ENR/LSM/AY 8/31/05

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