
PLANNING COMMISSIONERS

PATRICIA KORZEC
Chairperson

ALVIN DEJOHNETTE
Vice Chairperson

JEFFREY SIMS
Commissioner



RAFAEL BRUGUERAS
Commissioner

VACANT
Commissioner

VACANT
Commissioner

VACANT
Commissioner

PLANNING COMMISSION Regular Meeting

Agenda

Thursday, July 8, 2021 at 7:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS PROCEDURE

Any person wishing to address the Commission on any matter, either under the Public Comments section of the Agenda or scheduled items or public hearings, must fill out a "Request to Speak" form available at the door. The completed form must be submitted to the Secretary prior to the Agenda item being called by the Chairperson. In speaking to the Commission, member of the public may be limited to three minutes per person, except for the applicant for entitlement. The Commission may establish an overall time limit for comments on a particular Agenda item. Members of the public must direct their questions to the Chairperson of the Commission and not to other members of the Commission, the applicant, the Staff, or the audience.

PUBLIC COMMENTS

CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no discussion of these items unless Members of the Planning Commission request specific items be removed from the Consent Calendar for separate action.

1. Planning Commission Minutes – Regular Meeting – May 13, 2021 7:00 PM
2. Planning Commission Minutes – Regular Meeting – May 27, 2021 7:00 PM

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

- 3. Planning Commission Minutes – Adjourned Meeting – May 28, 2021 7:30 PM
- 4. Planning Commission Minutes – Adjourned Meeting – June 8, 2021 7:00 PM

NON-PUBLIC HEARING ITEMS

No items for discussion.

PUBLIC HEARING ITEMS

- 1. Case: PEN20-0144 – Modification of Conditions of Approval
 - Applicant: D.R. Horton Los Angeles Holding Company, Inc.
 - Property Owner: Equitable Moreno Valley II Partnership,
 - Representative: D.R. Horton Los Angeles Holding Company, Inc.
 - Location: Between Alessandro Boulevard and Brodiaea Avenue approximately 650 feet east of Oliver Street
 - Case Planner: Jeff Bradshaw
 - Council District: 3
 - Proposal: To modify Tentative Tract Map 31590 Conditions of Approval deleting Condition of Approval No. 110.f., requiring construction of a traffic signal at the intersection of Alessandro Boulevard and Oliver Street.

- 2. Case: PEN21-0085 – Variance for retaining wall heights
 - Applicant: Via Del Lago Homes LLC
 - Property Owner: Via Del Lago Homes LLC
 - Representative: Elizabeth Morales
 - Location: Southwest corner of Iris Avenue and Via Del Lago (304-260-007)
 - Case Planner: Julia Descoteaux
 - Council District: 4

Proposal

Variance to allow an increase of on-site retaining wall heights to not more than twelve feet six inches (12'6") for interior walls within an approved condominium project.

OTHER COMMISSION BUSINESS

No items for discussion.

STAFF COMMENTS

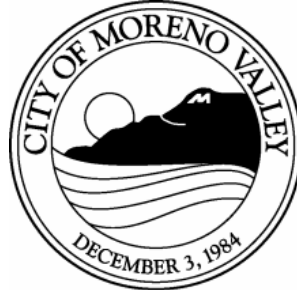
PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Planning Commission Regular Meeting, July 22, 2021 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

OFFICIAL MINUTES OF THE
PLANNING COMMISSION
OF THE CITY OF MORENO VALLEY

REGULAR MEETING – 7:00 PM
May 13, 2021



TELECONFERENCED MEETING
[Pursuant to Governor Executive Order N-29-20]

There Will Not Be a Physical Location for Attending the Meeting

The Public May Observe the Meeting and Offer Public Comment As Follows:

STEP 1

Install the Free Zoom App or Visit the Free Zoom Website at [<https://zoom.us/>](https://zoom.us/)

STEP 2

Get Meeting ID Number, Password and On the List to Speak by emailing zoom@moval.org or calling (951) 413-3206, no later than 6:00 p.m. on Thursday, May 13, 2021

STEP 3

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or
Telephone*

STEP 4

Public Comments May be Made Via Zoom

During the Meeting, the Mayor Will Explain the Process for Submitting Public Comments

ALTERNATIVE

If you do not wish to make public comments, you can view the meeting on Channel MVTV-3, the City's website at www.moval.org or YouTube

CALL TO ORDER

This Regular meeting of the Planning Commission of the City of Moreno Valley was called to order at 7:00 p.m., by Chairperson Korzec in the Council Chambers located at 14177 Frederick Street, Moreno Valley, California.

ROLL CALL

Planning Commission:	Patricia Korzec	Chairperson	Present
	Alvin DeJohnette	Vice Chairperson	Present
	Rafael Brugueras	Commissioner	Absent
	Jeffrey Sims	Commissioner	Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner DeJohnette.

APPROVAL OF AGENDA

Motion to approve the agenda was made by Commissioner DeJohnette and seconded by Commissioner Sims.

Vote: 3-0
Ayes: Commissioner DeJohnette, Sims and Chairperson Korzec
Absent: Commissioner Brugueras
Action: **Approved**

PUBLIC COMMENTS PROCEDURE

PUBLIC COMMENTS

No public comments.

CONSENT CALENDAR

1. Planning Commission - Regular Meeting - April 8, 2021 7:00 PM

Motion to approve the minutes of April 8, 2021 was made by Commissioner DeJohnette and seconded by Chairperson Korzec.

Vote: 3-0
Ayes: Commissioner DeJohnette, Chairperson Korzec and Commissioner Sims
Absent: Commissioner Brugueras
Action: **Approved**

Minutes Acceptance: Minutes of May 13, 2021 7:00 PM (CONSENT CALENDAR)

NON-PUBLIC HEARING ITEMS

1. Review of the proposed Capital Improvement Plan Fiscal Year 2021/22 - 2022/23 for a finding of conformance with the City's General Plan. (Report of: Planning Commission)
 - A. Staff Recommends that the Planning Commission APPROVE Resolution 2021-14 and thereby find that the Proposed CIP for Fiscal Years 2021/22 - 2022/23 is in conformance with the City of Moreno Valley's General Plan.

Public Comments:

No Public Comments

Motion to approve Resolution Number 2021-14 was made by Commissioner Sims and seconded by Commissioner DeJohnette.

Vote: 3-0
Ayes: Commissioner Sims, DeJohnette and Chairperson Korzec
Absent: Commissioner Brugueras
Action: **Approved**

PUBLIC HEARING ITEMS

1. A Master Plot Plan for the Farm Market Expansion Project to include development of a new 3, 850 square foot multi-tenant retail building (Plot Plan), and a vehicle service station (Conditional Use Permit) on the existing Farm Market site located at the Southeast corner of Redlands Boulevard and Alessandro Boulevard. (Report of: Planning Commission)
 - A. Staff recommends that the Planning Commission ADOPT Resolution No. 2021-15, and thereby:
 1. APPROVE the Initial Study/Mitigated Negative Declaration prepared for Master Plot Plan PEN19-0057, Plot Plan PEN19-0058 and Conditional Use Permit PEN19-0059 on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission reviewed and considered the information contained in the Mitigated Negative Declaration, and exercised its independent judgment and analysis of the proposed Project's potential environmental impacts; and
 2. ADOPT the Mitigation Monitoring and Reporting Program prepared for the Project, which consists of Master Plot Plan PEN19-0057, Plot Plan PEN19-0058, and Conditional Use Permit PEN19-0059 pursuant to CEQA and the CEQA Guidelines.

B. That the Planning Commission ADOPT Resolution No. 2021-16, and thereby:

1. APPROVE PEN19-0057 Master Plot Plan based on the Recitals, Evidence contained in the Administrative Record and Findings as set forth in Resolution No. 2021-16.

C. That the Planning Commission ADOPT Resolution No. 2021-17, and thereby:

1. APPROVE PEN19-0058 Plot Plan based on the Recitals, Evidence contained in the Administrative Record and Findings as set forth in Resolution No. 2021-17.

D. That the Planning Commission ADOPT Resolution No. 2021-18, and thereby:

1. APPROVE PEN19-0059 Conditional Use Permit based on the Recitals, Evidence contained in the Administrative Record and Findings as set forth in Resolution No. 2021-18.

Public Hearing Opened: 7:31 PM

Speakers

No Public Speakers.

Public Hearing Closed: 7:32 PM

Motion to approve Resolution Numbers 2021-15, 2021-16, 2021-17, and 2021-18 was made by Commissioner Sims and was seconded by Chairperson Korzec.

Vote: 3-0

Ayes: Commissioner Sims, Chairperson Korzec and Commissioner DeJohnette

Absent: Commissioner Brugueras

Action: **Approved**

OTHER COMMISSION BUSINESS

No items for discussion.

STAFF COMMENTS

No items for discussion.

PLANNING COMMISSIONER COMMENTS

Commissioner Sims noted praise received from a consultant about how hard staff works to provide the reports to the Commissioners. He also wanted to remind staff about the homeless encampments along the 60 freeway.

Commissioner DeJohnette said he attended a Planning Commission meeting in another jurisdiction and wanted to note that our City meetings are very efficient. Our staff here does a great job providing the needed material for the Commissioners and Commissioner DeJohnette stated that staff does a fantastic job with our format, packets and information.

Commissioner Sims stated he would like to be excused from the May 27 meeting as he will be out of the Country.

Chairperson Korzec stated that she would not be available for the May 27th meeting.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairperson Korzec adjourned the meeting at 7:37 PM.

Submitted by:

Approved by:

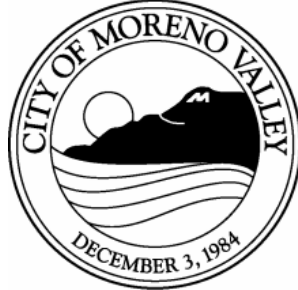
Vera Sanchez
Acting Senior Administrative Assistant

Patricia Korzec
Chairperson

Minutes Acceptance: Minutes of May 13, 2021 7:00 PM (CONSENT CALENDAR)

OFFICIAL MINUTES OF THE
PLANNING COMMISSION
OF THE CITY OF MORENO VALLEY

REGULAR MEETING – 7:00 PM
May 27, 2021



TELECONFERENCED MEETING
[Pursuant to Governor Executive Order N-29-20]

There Will Not Be a Physical Location for Attending the Meeting

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STEP 3

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Telephone*

STEP 4

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During the Meeting, the Chairperson Will Explain the Process for Submitting Public Comments

ALTERNATIVE

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Minutes Acceptance: Minutes of May 27, 2021 7:00 PM (CONSENT CALENDAR)

ROLL CALL

Planning Commission:	Patricia Korzec	Chairperson	Absent
	Alvin DeJohnette	Vice Chairperson	Present
	Rafael Brugueras	Commissioner	Absent
	Jeffrey Sims	Commissioner	Present

Due to lack of quorum Vice Chairperson DeJohnette adjourned meeting and the following statement was read by the Planning Commission Secretary:

Today’s scheduled Planning Commission Regular Meeting is being adjourned due to a lack of a quorum pursuant to Section 54955 of the Government Code. The Adjourned Meeting will be held tomorrow, Friday, May 28 at 7:30 p.m. The Adjourned Meeting will be conducted via Zoom using the same instructions on today’s agenda. Notice of the Adjourned Meeting will be provided as required under the Brown Act. Pursuant to the Brown Act, the Adjourned Meeting will be treated as a regular meeting for all relevant purposes.

In addition, the Public Hearing regarding the General Plan Update and associated items is hereby continued to Friday, May 28 at 7:30 p.m., at the same date and time as the Adjourned Meeting and it will be conducted in the same manner as the Adjourned Meeting via Zoom.

The Notice of the Adjourned Meeting and the Notice of Continuance of the Public Hearing will both be posted on the City’s website at <http://www.moval.org/cdd/documents/general-plan-public-hearings.html>, on the door to the Council chambers lobby, in the kiosk at City Hall, at the Senior Center and at the City’s three library branches Main Library at 25480 Alessandro Blvd., MV Mall at 22500 Town Cir and Iris Plaza at 16170 Perris Blvd.. They will also be forwarded to those who have specifically requested notice of the General Plan meetings.

Please note that if you have already signed up to speak at tonight’s meeting or to testify during the public hearing, you will not be required to sign up again in order to participate in the Adjourned Meeting and Continued Public Hearing.

Submitted by:

Approved by:

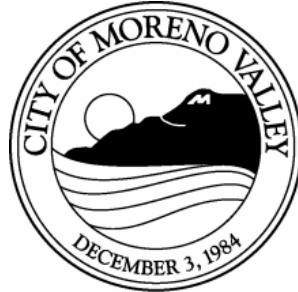
Ashley Aparicio
Planning Commission Secretary

Alvin DeJohnette
Vice Chairperson

Minutes Acceptance: Minutes of May 27, 2021 7:00 PM (CONSENT CALENDAR)

OFFICIAL MINUTES OF THE
PLANNING COMMISSION
OF THE CITY OF MORENO VALLEY

ADJOURNED MEETING – 7:30 PM
May 28, 2021



TELECONFERENCED MEETING
[Pursuant to Governor Executive Order N-29-20]

There Will Not Be a Physical Location for Attending the Meeting

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During the Meeting, the Chairperson Will Explain the Process for Submitting Public Comments

ALTERNATIVE

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Minutes Acceptance: Minutes of May 28, 2021 7:30 PM (CONSENT CALENDAR)

The Following Statement was given by the Planning Commission Secretary as this meeting was not called to order and was continued due to lack of quorum:

Today's scheduled Planning Commission Regular Meeting is being adjourned due to a lack of a quorum pursuant to Section 54955 of the Government Code. The Adjourned Meeting will be held Tuesday, June 8 at 7:00 p.m. The new Adjourned Meeting will be conducted live and in person in the City Hall Chambers at City Hall, located at 14177 Frederick Street. Notice of the Adjourned Meeting will be provided as required under the Brown Act. Pursuant to the Brown Act, the Adjourned Meeting will be treated as a regular meeting for all relevant purposes.

In addition, the Public Hearing regarding the General Plan Update and associated items is also continued to Tuesday, June 8 at 7:00 p.m., at the same date and time as the Adjourned Meeting and it will be conducted in the same manner as the Adjourned meeting and will be live and in person in the Council Chambers at City Hall.

The Notice of the Adjourned Meeting and the Notice of Continuance of the Public Hearing will both be posted on the City's website at <http://www.moval.org/cdd/documents/general-plan-public-hearings.html>, on the door to the Council chambers lobby, in the kiosk at City Hall, at the Senior Center and at the City's three library branches Main Library at 25480 Alessandro Blvd., MV Mall at 22500 Town Cir and Iris Plaza at 16170 Perris Blvd.. They will also be forwarded to those who have specifically requested notice of the General Plan meetings.

Please note that as this meeting will be live and in person you can sign up to speak in person at the meeting.

**OFFICIAL MINUTES OF THE
PLANNING COMMISSION
OF THE CITY OF MORENO VALLEY**

**ADJOURNED MEETING – 7:00 PM
June 8, 2021**

CALL TO ORDER

This regular meeting of the Planning Commission of the City of Moreno Valley was called to order at 7:04 p.m., by Chairperson Korzec in the Council Chambers located at 14177 Frederick Street, Moreno Valley, California.

ROLL CALL

Planning Commission:	Patricia Korzec	Chairperson	Present
	Alvin DeJohnette	Vice Chairperson	Present
	Rafael Brugueras	Commissioner	Present
	Jeffrey Sims	Commissioner	Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Sims.

APPROVAL OF AGENDA

Motion to approve the Agenda was made by Commissioner Brugueras and seconded by Commissioner DeJohnette.

Vote: 4-0

Ayes: Commissioner Brugueras, Vice Chairperson DeJohnette, Commissioner Sims and Chairperson Korzec

Action: **Approved**

PUBLIC COMMENTS PROCEDURE

PUBLIC COMMENTS

Speakers

Robert Then - stated his disappointment with City Council and Planning Commission's decision making process for the General Plan and future Climate Change beyond 2040.

CONSENT CALENDAR

No items for discussion.

NON-PUBLIC HEARING ITEMS

No items for discussion.

Minutes Acceptance: Minutes of Jun 8, 2021 7:00 PM (CONSENT CALENDAR)

PUBLIC HEARING ITEMS

- 1. Comprehensive General Plan Update, Climate Action Plan, Municipal Code Zoning Ordinance Amendment, and Zoning Atlas Amendment (Report of: Community Development)
 - A. Staff recommends that the Planning Commission APPROVE Resolution No. 2021-19 (Certification of EIR and related actions), Resolution No. 2021-20 (Approval of GPA for MoVal 2040), and Resolution No. 2021-21 (Municipal Code Amendment) and thereby recommend that the City Council:
 - 1. CERTIFY that the Final Environmental Impact Report (EIR) for the comprehensive General Plan update, Climate Action Plan, Municipal Code Amendment and related changes to the official Zoning Atlas on file with the Community Development Department, incorporated herein by this reference, have been completed in compliance with the California Environmental Quality Act and CEQA Guidelines, that the Planning Commission reviewed and considered the information in the Final EIR and that the Final EIR reflects the City’s independent judgement and analysis; and
 - 2. ADOPT the Facts, Findings and Statement of Overriding Considerations regarding the Final EIR for the City of Moreno Valley Comprehensive General Plan Update, attached hereto as Exhibit A; and
 - 3. ADOPT the Mitigation Monitoring and Reporting Program for the Final EIR for the proposed Comprehensive General Plan Update project and Climate Action Plan, attached as Exhibit B; and
 - 4. APPROVE PEN19-0240, City of Moreno Valley Comprehensive General Plan update and Climate Action Plan respectively; and
 - 5. APPROVE PEN21-0030, Amending the Municipal Code and the City’s Official Zoning Atlas respectively, consistent with the General Plan update.

Public Hearing Opened: 7:34 p.m.

Public Speakers:

Christina Torres
 Angel Lopez-Ramirez
 Francisco Lopez
 Lindsay Robinson
 Susan Zeitz
 David Zeitz
 Keri A. Then
 Julio Flores

Omar Cobian
 Janet Bernabe
 Michael A. Sotomayor
 Don Wilson
 Melody Lardner
 Tom Jerele Sr.
 Louise Palomarez
 Ivette Torres

Public Hearing Closed: 8:36 p.m.

Chairperson Korzec called for a brief 10-minute break at 8:36 p.m.

Chairperson Korzec reconvened the meeting at 8:45 p.m.

Motion to approve Resolution Number 2021-19 was made by Commissioner Sims and seconded by Vice Chairperson DeJohnette.

Vote: 3-0

Ayes: Commissioner Sims, Vice Chairperson DeJohnette and Commissioner Brugueras

Noes: Chairperson Korzec

Action: **Approved**

Motion to approve Resolution Number 2021-20, as amended by the Errata sheet, was made by Vice Chairperson DeJohnette and seconded by Commissioner Sims.

Vote: 4-0

Ayes: Vice Chairperson DeJohnette, Commissioner Sims, Brugueras and Chairperson Korzec

Action: **Approved**

Motion to approve Resolution Number 2021-21 was made by Vice Chairperson DeJohnette and seconded by Commissioner Brugueras.

Vote: 4-0

Ayes: Vice Chairperson DeJohnette, Commissioner Brugueras, Sims and Chairperson Korzec

Action: **Approved**

OTHER COMMISSION BUSINESS

No items for discussion.

STAFF COMMENTS

No items for discussion.

PLANNING COMMISSIONER COMMENTS

No items for discussion.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairperson Korzec adjourned the meeting at 10:25 PM.

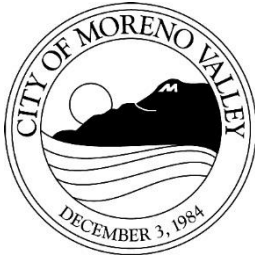
Submitted by:

Approved by:

Vera Sanchez
Acting Planning Commission Secretary

Patricia Korzec
Chairperson

Minutes Acceptance: Minutes of Jun 8, 2021 7:00 PM (CONSENT CALENDAR)



PLANNING COMMISSION

STAFF REPORT

Meeting Date: July 8, 2021

MODIFICATION TO CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP 31590 DELETING CONDITION OF APPROVAL NO. 110.F., REQUIRING CONSTRUCTION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF ALESSANDRO BOULEVARD AND OLIVER STREET

Case: PEN20-0144 – Modification of Conditions of Approval

Applicant: D.R. Horton Los Angeles Holding Company, Inc.

Property Owner: Equitable Moreno Valley II Partnership,

Representative: D.R. Horton Los Angeles Holding Company, Inc.

Location: Between Alessandro Boulevard and Brodiaea Avenue approximately 650 feet east of Oliver Street

Case Planner: Jeff Bradshaw

Council District: 3

Proposal: To modify Tentative Tract Map 31590 Conditions of Approval deleting Condition of Approval No. 110.f., requiring construction of a traffic signal at the intersection of Alessandro Boulevard and Oliver Street.

SUMMARY

D.R. Horton Los Angeles Holding Company, Inc. (Applicant), submitted an application requesting a modification of Tract Map 31590's Conditions of Approval to remove Condition of Approval No. 110.F requiring the installation of a traffic signal at the intersection of Alessandro Boulevard and Oliver Street (Project).

PROJECT DESCRIPTION

Background

On July 12, 2005, the City Council approved Tentative Tract Map 31590 (PA03-0150) with Condition of Approval No. 110.f. On June 1, 2021, the Final Map was approved by the City Council for recording with the Riverside County Recorder's Office.

Project

The Project consists of an application for a Modification to Conditions requesting a change to the Conditions of Approval for Tract Map 31590 by deleting Condition of Approval No. 110.F which requires the installation of a traffic signal at the intersection of Alessandro Boulevard and Oliver Street.

A Traffic Warrant Analysis was prepared by TJW Engineering, Inc. on April 20, 2021 and was reviewed by the Public Works Department. Based on the analysis and findings contained in the Traffic Warrant Analysis, the Public Works Department has no objection to the deletion of Condition of Approval No. 110.F. This will permit the development of Tract Map 31590 without the requirement that the Applicant or its successor install a traffic signal at the intersection of Alessandro Boulevard and Oliver Street upon the development of Tract Map 31590.

Site

Tract Map 31590 is located within the Residential 5 (R5) District between Alessandro Boulevard and Brodiaea Avenue approximately 650 feet east of Oliver Street ("Project Site"). The Project Site is currently being rough graded.

Surrounding Area

The Project Site's surrounding area includes developed tract homes to the south and a group memory care home facility to the southeast. Immediately west of the Project Site is a vacant parcel zoned Residential 5 (R5) with a church and a number of custom homes located on lots in the Residential Agriculture 2 (RA-2) zone. Immediately east of the Project Site there is vacant land zoned Office Commercial. Further east, at the intersection of Alessandro Boulevard and Moreno Beach Drive, there is a service station. North of the Project Site is vacant land zoned Residential 3 (R3) and an RV storage facility. There is also vacant land zoned Commercial located at the northwest corner of Alessandro Boulevard and Moreno Beach Drive.

REVIEW PROCESS

The Project and the Traffic Warrant Analysis were reviewed by the Project Review Staff Committee as required by the Municipal Code. Following subsequent review of the Project and Traffic Warrant Analysis by City Staff, it was collectively determined that the

findings of the Traffic Warrant Analysis support the conclusion that a traffic signal is no longer warranted at the intersection of Alessandro Boulevard and Oliver Street.

ENVIRONMENTAL

The Project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15162 and 15164 and it has been determined that the Project (i.e., deletion of traffic signalization condition of approval) is consistent with, and does not require revisions to the Negative Declaration approved for Tentative Tract Map 31590, nor is there any need for any further environmental review under CEQA or the CEQA Guidelines.

NOTIFICATION

Public notice was sent to all property owners of record within 600 feet of the Project Site. The public hearing notice for the Project was also posted at the Project Site and published in the Press Enterprise Newspaper.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. **FINDS AND DECLARES** that the proposed Modification to Conditions PEN20-0144 ("Project") has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15161 and 15164 and that preparation of a subsequent Negative Declaration or an Addendum is not required since the Project has been determined to be minor and that the Project is consistent with the findings of the original Negative Declaration prepared for Tentative Tract Map 31590 that was approved by the Planning Commission on August 23, 2012; and
2. **APPROVE** Modifications to Conditions PEN20-0144 ("Project") subject to the attached Conditions of Approval as Exhibit A to the Resolution.

Prepared by:
Jeffrey Bradshaw
Associate Planner

Approved by:
Patty Nevins
Planning Official

ATTACHMENTS

1. Resolution 2021-29
2. Exhibit A to Resolution 2021-29_PEN20-0144 Conditions of Approval
3. Location Map
4. Public Hearing Notice

RESOLUTION NUMBER 2021-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING APPLICATION PEN20-0144, MODIFYING CONDITIONS OF APPROVAL FOR TRACT MAP 31590 LOCATED BETWEEN ALESSANDRO BOULEVARD AND BRODIAEA AVENUE APPROXIMATELY 650 EAST OF OLIVER STREET (APN'S: 486-240-002 AND -011)

WHEREAS, the City of Moreno Valley ("City") is a general law city and a municipal corporation of the State of California; and

WHEREAS, D.R. Horton Los Angeles Holding Company, Inc., ("Applicant") has filed an application for the approval of Modification of Conditions application PEN20-0144 ("Application") with a request to remove Condition of Approval No. 110.f which requires the installation of a traffic signal at the intersection of Alessandro Boulevard and Oliver Street ("Project"); and

WHEREAS, Section 9.02.290 (Modification of Conditions) of the Moreno Valley Municipal Code acknowledges that the purpose of a modification of conditions is to provide a mechanism for reviewing modifications to conditions of approval for projects and that modification of conditions is intended for the consideration of changes that exceed the limits prescribed in Section 9.02.280 (Substantial conformance); and

WHEREAS, the Project has been evaluated in accordance with Section 9.02.290 (Modification of Conditions) of the Municipal Code with consideration given to the City's General Plan, Zoning Ordinance, and other applicable laws and regulations; and

WHEREAS, Section 9.02.290 of the Municipal Code states that the authority to approve a modification of conditions for any project that is subject to a public hearing shall be vested with the Planning Commission; and

WHEREAS, Section 9.02.290 of the Municipal Code states, that a modification of conditions shall be subject to the development review procedures, including public notice procedures prescribed in this title with respect to the previously approved project for which the modification is being requested; and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code section 65905, a public hearing was scheduled for July 8, 2021, and notice thereof was duly published and posted, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on July 8, 2021, the public hearing to consider the Project was duly conducted by the Planning Commission at which time all interested persons were provided with an opportunity to testify and to present evidence; and

WHEREAS, consistent with the requirements of Section 9.02.290 (Modification of Conditions) of the Municipal Code, at the public hearing the Planning

Commission considered the Project, which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety and welfare and to ensure that Tract Map 31590 will be developed in accordance with the purpose and intent of Title 9 (“Planning and Zoning”) of the Municipal Code, as modified by the Project; and

WHEREAS, at the public hearing, the Planning Commission reviewed and considered the Planning Division’s recommendation that the Project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15162 and 15164 and it has been determined that the Project is consistent with, and will not require revisions to the Negative Declaration prepared and approved for Tentative Tract Map 31590, nor any further environmental review under CEQA or the CEQA Guidelines; and

WHEREAS, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.290 of the Municipal Code and set forth herein could be made with respect to the Project as conditioned by the Conditions of Approval.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals and Exhibits

That the foregoing Recitals and attached Exhibits are true and correct and are hereby incorporated by this reference.

Section 2. Notice

That pursuant to Government Code section 66020(d)(1), notice is hereby given that the proposed project is subject to certain fees, dedications, reservations and other exactions as provided herein.

Section 3. Evidence

That the Planning Commission has considered all of the evidence submitted into the administrative record for the Project, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Application for the approval of Modification of Conditions PEN20-0144 and all documents, records and references contained therein;
- (d) Modified Conditions of Approval for Tract Map 31590 PEN20-0144, attached hereto as Exhibit A;

- (e) Staff Report prepared for the Planning Commission's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearing;
- (f) Testimony and/or comments from Applicant and its representatives during the public hearing; and
- (g) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the public hearing.

Section 4. Findings

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission makes the following findings in approving Modification of Conditions application PEN20-0144:

- (a) The Project is consistent with the goals, objectives, policies and programs of the general plan;
- (b) The Project complies with all applicable zoning and other regulations;
- (c) The Project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;
- (d) The location, design and operation of the Project will be compatible with existing and planned land uses in the vicinity.

Section 5. Approval

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings set forth above, the Planning Commission hereby approves Modification of Conditions application PEN20-0144 ("Project") subject to the Modified Conditions of Approval for Tract Map 31590 attached hereto as Exhibit A.

Section 6. Repeal of Conflicting Provisions

That all the provisions as heretofore adopted by the Planning Commission that are in conflict with the provisions of this Resolution are hereby repealed.

Section 7. Severability

That the Planning Commission declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 8. Effective Date

That this Resolution shall take effect immediately upon the date of adoption.

Section 9. Certification

That the Secretary of the Planning Commission shall certify to the passage of this Resolution.

PASSED AND ADOPTED THIS 8th day of July 2021.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Patricia Korzec, Chairperson

ATTEST:

Patty Nevins,
Planning Official

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibits:
Exhibit A: Conditions of Approval PEN20-0144

Attachment: Resolution 2021-29 [Revision 3] (4435 : PEN20-0144 - Modification of Conditions for TTM 31590)

Exhibit A

CONDITIONS OF APPROVAL

Attachment: Resolution 2021-29 [Revision 3] (4435 : PEN20-0144 - Modification of Conditions for TTM 31590)

CONDITIONS OF APPROVAL
 Modification of Conditions (PEN20-0144)
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CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Modification of Conditions (PEN20-0144)
 APN: 486-240-002 and -011

APPROVAL DATE: July 12, 2020
 EXPIRATION DATE: July 12, 2021

COMMUNITY DEVELOPMENT DEPARTMENT

****The following original conditions of approval are hereby modified to remove condition "110.f" as indicated in strikeout.**

PLANNING DIVISION

1. Project PA03-0150, Tentative Tract Map 31590 was approved on July 12, 2005, with an expiration date of July 12, 2008. Additionally, Application P08-069, 1st Extension of Time was approved for Tract 31590 with an expiration date of July 12, 2011. Automatic legislative extensions have allowed for an additional seven (7) year extension with an expiration date of July 12, 2018. Application PEN18-0105, is the 2nd Extension of Time for Tract Map 31590 with an expiration date of July 12, 2020. Application PEN20-0075 is the 3rd and final Extension of Time for Tract Map 31590 with an expiration date of July 12, 2021. This is the final extension of time for Tentative Tract Map 31590 provided by the Municipal Code.
2. This tentative map shall expire on July 12, 2021; 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)
3. The site shall be developed in accordance with the approved tentative map on file in the Planning Division, the Municipal Code regulations, the Landscape Development Guidelines and Specifications (if applicable), General Plan, and any applicable Specific Plan and the conditions contained herein. (MC 9.14.020, Ldscp)
4. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
5. 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)
6. 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)
7. 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)
8. Prior to issuance of any grading permit, and if applicable, 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)

CONDITIONS OF APPROVAL

Modification of Conditions (PEN20-0144)

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9. 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.
10. 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, Ldscp)
11. 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)
12. Prior to issuance of precise grading permits, final front and street side yard landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Landscape Development Guidelines and Specifications and include required street trees.
13. Prior to issuance of building permits, final front and street side yard landscape and irrigation plans shall be approved.
14. Prior to issuance of Certificates of Occupancy or building final, required landscaping and irrigation shall be installed. (MC 9.03.040)
15. 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.
16. 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)
17. 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).
18. 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.
19. Prior to the issuance of building permits, the developer shall obtain "will-serve" letters or compliance certification from the following agencies:
 - a. Eastern Municipal Water and Sewer District
 - b. Riverside County Flood Control and Water Conservation District

CONDITIONS OF APPROVAL

Modification of Conditions (PEN20-0144)

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20. Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed per the approved plans on file in the Planning Division. (MC 9.080.070, Ldscp)
21. All required fences and walls shall be installed prior to issuance of certificate of occupancy for the affected parcels.
22. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval that includes six-foot-high decorative walls along Nason Avenue and Alessandro Boulevard and all street side property lines.
23. Prior to issuance of grading permits, landscape plans for the water quality basin shall be submitted to the Planning Division for review and approval.

BUILDING & SAFETY

24. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Standards Code (California Code of Regulations, Title 24) including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc. The current code edition of the applicable code standards is the 2016 Triennial Edition.
25. Prior to submittal, all new development, including residential second units, are required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
26. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the 2016 California Plumbing Code, Table 422.1, the occupant load and occupancy classification shall be determined in accordance with the California Building Code.
27. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
28. The proposed development is subject to the payment of required development fees as required by the City's current Fee Ordinance at the time a building application is submitted or prior to the issuance of permits as determined by the City.
29. The proposed project is subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance. Contact the water district at 951.928.3777 for specific details.
30. Prior to permit issuance, every applicant shall submit a properly completed Waste Management Plan (WMP), as a portion of the building or demolition permit process. (MC 8.80.030).
31. Any construction within the city shall only be completed between the hours of seven a.m. to seven p.m. Monday through Friday, excluding holidays, and from eight a.m. to four p.m. on Saturday, unless written approval is first obtained from the Building Official or City Engineer per City of Moreno Valley Municipal Code (MC 8.14.040E).
32. Contact the Building Safety Division for permit application submittal requirements.
33. The proposed residential project shall comply with the 2016 California Green Building Standards Code, Section 4.106.4, mandatory requirements for Electric Vehicle Charging Station (EVCS).

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FIRE DEPARTMENT

FIRE PREVENTION BUREAU

34. The Fire Department emergency vehicular access road shall be (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. The approved fire access road shall be in place during the time of construction. Temporary fire access roads shall be approved by the Fire Prevention Bureau. (CFC 501.4, and MV City Standard Engineering Plan 108d)
- a. 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)
35. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4)
36. 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 and MVLT 440A-0 through MVLT 440C-0)
37. Prior to issuance of building permits, plans specifying the required structural materials for building construction in high fire hazard severity zones shall be submitted to the Fire Prevention Bureau for approval. (CFC, 4905)
38. 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, 501.3) a - 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.
39. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
40. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
41. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9, MVMC 8.36.100[D])
42. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
43. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)

CONDITIONS OF APPROVAL

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44. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
45. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
46. 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 said waterflow 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)
47. Prior to issuance of Certificate of Occupancy or Building Final, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1, MVMC 8.36.060[I])
48. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6" x 4" x 2 ½") shall be located at each intersection of all residential streets. Hydrants shall be spaced no more than 500 feet apart in any direction so that no point on the street is more than 250 feet from a hydrant. Minimum fire flow shall be 1000 GPM for 1-hour duration of 20 PSI. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, serving one and two-family residential developments, standard fire hydrants shall be provided at spacing not to exceed 1000 feet along the tract boundary for transportation hazards. (CFC 507.3, Appendix B, MVMC 8.36.060).
49. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
50. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
51. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
52. 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. 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.

FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

MORENO VALLEY UTILITY

53. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

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54. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City all utility infrastructure including but not limited to, conduit, equipment, vaults, ducts, wires (including fiber optic cable), switches, conductors, transformers, and “bring-up” facilities including electrical capacity to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility – collectively referred to as “utility system”, to and through the development, along with any appurtenant real property easements, as determined by the City Engineer necessary for the distribution and/or delivery of any and all “utility services” to and within the project. For purposes of this condition, “utility services” shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. “Utility services” shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval.

The City, or the City’s designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system.

55. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer’s expense, for any and all costs associated with the relocation of any of Moreno Valley Utility’s underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.
56. This project is subject to a Reimbursement Agreement. The Developer is responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. Payment shall be required prior to issuance of building permits.

PUBLIC WORKS DEPARTMENT

LAND DEVELOPMENT

57. The developer shall comply with the State of California Subdivision Map Act and all applicable City ordinances and resolutions. (MC 9.14.010)
58. Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. (MC 9.14.100)
59. It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the tentative map to be resubmitted for further consideration. (MC 9.14.040)

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60. Tracts maps may be developed in phases with the approval of the City Engineer. A construction-phasing plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer prior to recordation of the final map. Financial security shall be provided for all improvements within the entire tract prior to final tract map recordation. The boundaries of any multiple tract map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular tract map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of future occupants of the development.
61. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall, prior to final map approval, enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. (SMA 66462.5)
62. Prior to recordation of the final map, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards and requirements shall be approved by the City Engineer. (MC9.14.100.C.2)
63. Prior to issuance of a Certificate of Occupancy or building final, all required improvements, including but not limited to: curb and gutter, A.C. pavement, sidewalks, drive approaches, parkway landscaping, medians, street lights and signing and striping on all public streets shall be constructed as required by the City Engineer.
64. 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. Public Works construction operations including all work described on permits issued by the Public Works Department, shall be restricted to Monday through Friday from 7:00 AM to 6:00 PM. Work on weekends and holidays shall be pursuant to written approval of the City Engineer no later than 48-hours prior to the weekend or Holiday.
 - c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
- 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 condition until such time as it has been determined that all operations and activities are in conformance with these conditions.
65. The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
66. Drainage easements, when required, shall be shown on the final map and noted as follows: "Drainage Easement- no buildings, obstructions, or encroachments by landfills are allowed.

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67. The project shall be designed to accept and properly dispose of all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, the developer shall provide adequate facilities as approved by the Public Works Department - Land Development Division. (MC 9.14.110)
68. All lots shall drain toward the street unless otherwise approved by the City Engineer. Residential lot drainage to the street shall be by side yard swales independent of adjacent lots. Concentrated drainage on commercial lots shall be diverted through parkway drains under sidewalks. (MC 9.08.080)
69. Prior to the approval of any improvement or grading plan, the developer shall comply with the rules and regulations of FEMA and City Ordinance for development within a flood hazard area, which may include obtaining a letter of map revision from FEMA LD14. (IP/GP) 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)
70. Prior to recordation of the final map, the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)
71. Prior to recordation of the final map, resolution of all drainage issues shall be as approved by the City Engineer, including the payment of the prevailing area drainage fee to Riverside County Flood Control and Water Conservation District. The fee is payable to the Riverside County Flood Control District and Water Conservation District by either cashiers check or money order. (MC 9.14.100)
72. Construction of Master Drainage Plan facilities as part of the improvement obligations of this development are to be inspected, operated and maintained by the Riverside County Flood Control and Water Conservation District. The developer shall enter into an agreement with the District establishing the terms and conditions covering their inspection, operation and maintenance. (MC 9.14.110)
73. Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)
74. Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow should be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110)
75. Prior to the initiation of the final improvement plans for those facilities required to be built as part of the County Master Plan, the developer shall contact the Riverside County Flood Control and Water Conservation District to determine the terms and conditions of design, construction, inspection, transfer of rights-of-way, project credit in lieu of charges, and reimbursement schedules which may apply. The developer should note that if the estimated cost for required Area Drainage Plan facilities exceeds the required mitigation charges, and he wishes to receive credit or reimbursement in excess of his charges, the facilities may be constructed as a Public Works contract. Scheduling for these facilities will be at the discretion of the District. (MC 9.14.110)

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76. Prior to issuance of a grading permit and as a condition of the Santa Ana Regional Water Quality Control Board, a Notice of intent for an NPDES permit must be filed and a W.D.I.D. permit number obtained from the Regional Water Quality Control Board. (Clean Water Act)
77. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
78. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer. (SMA)
79. A grading permit shall be obtained from the Public Works Department - Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
80. No grading shall take place until all improvement plans are substantially complete and approved by the City Engineer and appropriate clearance letters are provided to the City. (MC 9.14.030)
81. No grading shall take place prior to recordation of the final map unless otherwise approved by the City Engineer. (MC 9.14.030)
82. Prior to the issuance of grading permits, the developer shall submit two (2) copies of a soils and geologic report to the Public Works Department- Land Development Division. The report shall address the soil's stability and geological conditions of the site.
83. Prior to issuance of a grading permit, the developer shall submit four (9) copies of a comprehensive grading plan to the Public Works Department - Land Development Division. The plan shall comply with the City Grading ordinance, and these Conditions of Approval.
84. Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in all areas where grading is proposed to take place outside of the project boundaries.
85. Prior to the issuance of a grading permit erosion control plans and notes shall be submitted and approved by the Public Works Department - Land Development Division. (Grading Ord.)
86. All street dedications shall be irrevocably, offered to the public and shall continue in force until the City accepts or abandons such offers. All dedications shall be free of all encumbrances as approved by the City Engineer.
87. All work performed within the City right-of-way requires an encroachment permit. (MC 9.14.100)
88. Aggregate slurry, as defined in section 203-5 of Standard Specifications for Public Works Construction, may be required one year after acceptance of street(s) by the City if the condition of the street(s) warrant its application as determined by City Engineer. All striping shall be replaced in kind.
89. The street design and circulation pattern of this project shall be coordinated with adjoining developments. (MC 9.14.020)
90. Prior to approval of the improvement plans, the developer shall provide securities and agreements, submit clearances from all applicable agencies, and pay all fees. (MC 9.14.210)

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91. The street improvement plans shall comply with the following design standards throughout this project:
- a. All driveways shall conform to the applicable City of Moreno Valley standards and shall be shown on the street improvement plans. (MC 9.14.100)
 - b. All driveways shall be located at a minimum of two (2) feet from the property line prolongation at the curb. (MC 9.14.100)
 - c. Concrete sidewalks shall be constructed along all public street frontages in accordance with City Standard MVSI-115A-O.
 - d. Corner cutbacks in conformance with City Standard MVSI-165-0 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
 - e. 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)
 - f. Centerline radii shall be per City Standard MVSI-160C-O. (MC 9.14.100)
 - g. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
 - h. All street intersections shall be at ninety (90) degrees or as approved by the City Engineer. (MC 9.14.020)
 - i. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
 - j. Electrical and communication trenches shall be provided in accordance with Standard 603. (MC 9.14.130)
 - k. Streetlights shall be provided along streets adjoining and within the subject site in accordance with Standard MVLT-400NB or as approved by the City Engineer. (GP Objective 44, MC 9.14.100)
- Improvement plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
92. Prior to recordation of the final map, the developer shall deposit with the Public Works Department-Land Development Division a cash sum based on the current fee schedule as mitigation for traffic signal impacts. Should the developer choose to defer the time of payment of the traffic signal mitigation fee, he may enter into a written agreement with the City deferring said payment to the time of issuance of a building permit.
93. Prior to recordation of the final map, the developer shall have all street names approved by the City Engineer. (MC 9.14.090)

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 Modification of Conditions (PEN20-0144)
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94. Prior to recordation of a final map or issuance of building permits if recordation has already been accomplished, the developer shall construct or post security guaranteeing the construction of all public improvements in conformance with applicable City standard, including, but not limited to the following:
 - a. Street improvements including, but not limited to: pavement, curb and gutter, medians, sidewalks, drive approaches, street lights, signing, striping, traffic signal systems and other traffic control devices as appropriate.
 - b. Storm drain facilities.
 - c. Landscaping.
 - d. Sewer and domestic water systems.
 - e. Undergrounding of existing and proposed utility distribution lines.
 - f. Street lighting. (SMA, GP Objective 50.6, MC 9.14.210)
95. Prior to issuance of Certificate of Occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)
96. Prior to issuance of Certificate of Occupancy, one 4-inch conduit shall be installed along the frontage of all major public streets in a joint trench with traffic signal interconnect conduits as required by the City Engineer. Spacing, size and location of pull boxes shall be determined at the time of approval of street improvement plans. These conduits shall become the property of the City of Moreno Valley upon completion and acceptance of the street improvements.
97. If improvements associated with this project are not initiated within two years of the date of approval of the improvement agreement, the City Engineer may require that plans be modified to reflect current codes and standards in effect at the time of request for an extension of time for the improvement agreement or issuance of a permit.
98. Prior to issuance of a certificate of occupancy or building final for the last 20% or last 5 homes (whichever is more) of any Map Phase, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.
99. Upon approval of the tentative tract map by the Planning Commission, the Developer shall submit the approved tentative tract map on compact disk in (PDF) digital format to the Land Development Division of the Public Works Department.
100. 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 24 x 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.

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101. Prior to recordation of a final map or issuance of construction permits, the developer shall submit all improvement plans and final maps, on compact disks, in (PDF) digital format to the Land Development Division of the Public Works Department.
102. Prior to approval of the final map the developer shall submit plans for review and approval by the City Engineer, for a telecommunications conduit network that provides for the future installation of cable, wire or fiber optic runs to a final termination in a riser to an access panel in each home constructed as part of this development. This network shall be installed and completed and shall be dedicated to the City for public purposes prior to the first occupancy of this development.
103. When work is required in an intersection that involves or impacts access ramps, all access ramps in that intersection shall be retrofitted to comply with AD.A. requirements.

Special Conditions

104. Prior to final map approval, the Developer shall dedicate any needed right of way and a 10-foot landscape easement on the south side of Alessandro Boulevard along tract frontage.
105. Prior to final map approval, the Developer shall vacate 7 feet of existing right of way on the north side of Brodiaea Avenue along tract frontage.
106. Prior to final map approval, the Developer shall dedicate 20 feet of right of way on the south side of Maltby Avenue for its future extension east of Street "E".
107. Prior to final map approval, the owner shall retain Lot "I" for himself, his successors, and assigns. The First Flush or Water Quality Basin along with the rest of Lot "I" shown on the tentative tract map, as open space area shall be maintained by an HOA and provide for vehicular maintenance access.
108. Prior to final map approval, the Developer shall dedicate on the map Lot "T" to the City as a multi-use trail.
109. Prior to final map approval, the map shall show a lettered lot over the existing petroleum line easement. This lot shall be landscaped and maintained by an HOA. The Developer shall retain this lettered lot for himself, his successors and assigns and so note on the final map.
110. Prior to final map approval, the Developer shall bond for the following street improvements and construct them prior to issuance of building permits:
 - a. Alessandro Boulevard (110' RW / 86' CC) shall be constructed to half-width plus a raised landscaped median plus a fourteen-foot travel lane. Improvements shall consist of, but not be limited to, pavement, curb, gutter, sidewalk, streetlights, storm drain, catch basins, pavement transitions, dry and wet utilities, and undergrounding of overhead utilities. The Developer shall construct pavement transitions joining existing and proposed edge of pavement beyond the east tract boundary on Alessandro Boulevard.

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- b. Brodiaea Avenue (66' RW / 44' CC) shall be constructed to half-width plus a twelve-foot lane. Improvements shall consist of, but not be limited to, pavement, curb, gutter, sidewalk, streetlights, storm drain, catch basins, pavement transitions, dry and wet utilities, and undergrounding of overhead utilities. In addition, the Developer shall construct 28 feet of pavement from the west tract boundary to Oliver Street. In addition, the Developer shall construct pavement transitions joining existing and proposed edge of pavement beyond the east tract boundary on Brodiaea Avenue. Maltby Avenue (60' RW / 40' CC) shall be constructed to full-width. In addition, a 20-foot lot shall be retained by the owner, his successors, and assigns. The lot shall be denoted as an open space lot on the final map and will be required to be landscaped and maintained by an HOA. Also the Developer, shall dedicate 20 feet of right of way for the future extension of Maltby Avenue along the south side of the street and east of Street "E". Improvements shall consist of, but not be limited to, pavement, curb, gutter, sidewalk, streetlights, storm drain, catch basins, and dry and wet utilities.
- c. Street "A" (66' RW / 44' CC) shall be constructed to full-width. The west side of the street right of way will vary to accommodate a 10-foot landscape easement and a 12-foot multi-use trail. Improvements shall consist of, but not be limited to, pavement, curb, gutter, sidewalk, streetlights, storm drain, catch basins, and dry and wet utilities.
- d. Streets "E", "F", "H", and "I" (60' RW / 40' CC) shall be constructed to full-width. Improvements shall consist of, but not be limited to, pavement, curb, gutter, sidewalk, streetlights, storm drain, catch basins, and dry and wet utilities.
- e. Streets "B", "C", "D", and "G" (56' RW / 36' CC) shall be constructed to full-width. Improvements shall consist of, but not be limited to, pavement, curb, gutter, sidewalk, streetlights, storm drain, catch basins, and dry and wet utilities.
- f. ~~Traffic Signal shall be constructed at the intersection of Alessandro Boulevard and Oliver Street. Pending the traffic study recommendations, the traffic signal will be located either at Alessandro Boulevard and Oliver Street South or Alessandro Boulevard and Oliver Street North. If the traffic signal is to be located at Alessandro Boulevard and Oliver Street North, then the proposed raised median in Alessandro Boulevard shall be constructed to allow westbound left turns into the proposed subdivision and eastbound left turns into Oliver Street North. In this case no left turns out of the proposed subdivision will be allowed. If the traffic study recommends a traffic signal at Alessandro Boulevard and Oliver Street North, then the median shall be constructed to allow full access movements.~~
(Condition deleted by the Planning Commission on July 8, 2021).
- g. Storm Drain Line "H-2" (East) shall be constructed in accordance with the Moreno Area Drainage Plan or as otherwise revised by RCFC&WCD, along and a bit beyond the north tract frontage and also within Street "A". This storm drain system will be required to pick up flow in an existing drainage ditch on the north side of Alessandro Boulevard. Storm Drain Line "H-2" (East) shall connect to that adjacent downstream segment of Line "H-2" (East) to be constructed with the development of TM 31129.
111. Prior to issuance of a building permit, the Developer shall comply with the CLOMR/LOMR process to remove those lots that are currently within the 100-year flood plain.

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112. This project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Elimination Discharge System (NPDES) as mandated by the Federal Clean Water Act. The City of Moreno Valley established a Municipally Owned Utility pursuant to Resolution No. 2002-46 to provide the authority to implement utility charges necessary to provide, but not limited to, storm water utilities services for the required continuous operation, maintenance, monitoring, system evaluations and enhancements, remediation and/or replacement. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley Storm Water rate structure that is in place at the time of recordation.
113. Any lots which are identified to as "Water Quality Basins/Bio-Swales" shall be owned in fee by a Homeowners. A maintenance easement will be required to be dedicated to either the City of Moreno Valley and/or Moreno Valley Community Services District. Additionally, the maintenance of the lots will be through a contract between the City of Moreno Valley or the Moreno Valley Community Services District with the generation of funds to pay for the maintenance to be paid by annual maintenance charge placed on the Riverside County tax bill.
114. Prior to final map recordation, the Rough Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Basins/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Land Development Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)
115. Prior to issuance of Certificate of Occupancy or building final for the first production unit, the "Water Quality Basins/Bio-Swales" shall be constructed and operational as required by the City Engineer.

SPECIAL DISTRICTS DIVISION

116. The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/or median landscape maintenance for a period of one (1) year commencing from the time all items of work have been completed to the satisfaction of Special Districts staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the District accepts maintenance responsibilities.
117. Parkway, median, slope and/or open space landscape areas maintained as part of the City of Moreno Valley Community Facilities District 2014-01 shall be required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas not associated with the City of Moreno Valley Community Facilities District (CFD) landscaping will not be permitted.
118. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

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119. Plans for parkway, median, slope, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org/sd or from the Special Districts Division (951.413.3480 or specialdistricts@moval.org).
120. In the event the City of Moreno Valley determines that funds authorized by any Proposition 218 mail ballot proceeding are insufficient to meet the costs for parkway, slope, and/or open space maintenance and utility charges, the City shall have the right, at its option, to terminate the grant of any or all parkway, slope, and/or open space maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit claim and abandon the property so conveyed to the District, and to revert to the Developer or the Developer's successors in interest, all rights, title, and interest in said parkway, slope, and/or open space areas, including but not limited to responsibility for perpetual maintenance of said areas.
121. Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
122. Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
123. MAJOR INFRASTRUCTURE FINANCING DISTRICT. This project has been identified to potentially be included in the formation of a special financing district for the construction and maintenance of major infrastructure improvements which may include but are not limited to thoroughfares, bridges, and certain flood control improvements. The property owner(s) shall participate in such district and pay any special tax, assessment, or fee levied upon the project property for such district. At the time of the public hearing to consider formation of or annexation into the district, the qualified elector(s) will not protest the formation or annexation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property obtains from the improvements to be installed and/or maintained. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org when submitting an application for the first building permit to determine whether the development will be subjected to this condition. If subject to the condition, the special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution.
124. Street Light Authorization forms for all street lights that are conditioned to be installed as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison. For questions, contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.

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125. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.

Prior to Building Permit

126. NEW STREET LIGHT INSTALLATION FEES. Prior to the issuance of the first building permit for this project, the Developer shall pay New Street Light Installation Fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are 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 adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (specialdistricts@moval.org). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee. Questions may be directed to the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.

127. Parkway, open space, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the City of Moreno Valley Public Works Design Guidelines and completed prior to the issuance of 25% (or 24) of the dwelling permits for this tract or 12 months from the issuance of the first dwelling permit, whichever comes first. In cases where a phasing plan is submitted, the actual percentage of dwelling permits issued prior to the completion of the landscaping shall be subject to the review of the construction phasing plan.

128. For those areas to be maintained by the City and prior to the issuance of the first Building Permit, Planning Division (Community Development Department), Special Districts Division (the Public Works Department) and Transportation Division (the Public Works Department) shall review and approve the final median, parkway, slope, and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval prior to the issuance of the first Building Permit.

Prior to Map Approval

129. This project is conditioned to provide a funding source for the following special financing program(s):

- a. Street Lighting Services for capital improvements, energy charges, and maintenance.
- b. Landscape Maintenance Services for parkway, open space, and/or median landscaping on Alessandro Blvd. The Developer's responsibility is to provide a funding source for the capital improvements and the continued maintenance of the landscaped area. The Developer shall satisfy this condition with one of the options below.
 - i. Participate in a special election (mail ballot proceeding) and pay all associated costs of the special election and formation, 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

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- ii. Establish a Property Owner's Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. The option for participating in a special election requires approximately 90 days to complete the special election process. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution for conducting a special election.

The financial option selected shall be in place prior to the issuance of the first building permit for this project.

130. This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trail systems. The Developer shall satisfy this condition with one of the options below.

- a. Participate in a special election for annexation into Community Facilities District No. 1 or other district and pay all associated costs of the special election process and formation, if any; or
- b. Establish an endowment fund to cover future maintenance costs for new neighborhood parks.

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option prior to City Council action authorizing recordation of the final map for the development. A minimum of 90 days is needed to complete the special election process. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution for conducting a special election. Annexation to CFD No. 1 shall be completed or proof of payment to establish the endowment fund shall be provided prior to the issuance of the first building permit for this project.

131. This project has been identified to be included in the formation of a Community Facilities District 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 property owner 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 the Special Districts Division at 951.413.3480 or specialdistricts@moval.org of its intent to record the final map for the development 90 days prior to City Council action authorizing recordation of the map. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)

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132. Residential (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, systems evaluation and enhancements of on-site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated storm water regulations, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option for the National Pollution Discharge Elimination System (NPDES) program (see Land Development's related condition). Participating in a special election the process requires a 90 day period prior to City Council action authorizing recordation of the final map for the development and to participate in a special election process. This allows adequate time to be in compliance with the provisions of Article 13D of the California Constitution. California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

Prior to Building Final or Occupancy

133. Landscape and irrigation plans for parkway, median, slope, and/or open space landscape areas designated to be maintained by the City shall be placed on compact disk (CD) in pdf format. The CD shall include "As Built" plans, revisions, and changes. The CD will become the property of the City of Moreno Valley and the Moreno Valley Community Services District.

Transportation Engineering

134. Alessandro Boulevard along project frontage is designated as a Divided Arterial (110'RW/86'CC) per City Standard Plan No. 103A.
135. Brodiaea Avenue along project frontage is designated as a Collector (66'RW/44'CC) per City Standard Plan No. 107.
136. Maltby Avenue is designated as a General Local Street (60'RW/40'CC) per City Standard Plan No. 108A constructed to terminate temporarily at Street "E" in a manner to be approved by the City Engineer.
137. Prior to final map recordation, 20 feet of right-of-way for Maltby Avenue from Street "E" to easternmost property limits shall be dedicated to the City for the extension of Maltby Avenue.
138. Street "A" is designated as a General Local Street (60'RW/40'CC) per City Standard Plan No. 108A.
139. Street "D" is designated as a Short Local Street (56'RW/36'CC) per City Standard Plan No. 1088.
140. Driveways shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines and City of Moreno Valley Standard No. 117 for residential driveway approach.
141. Sight distance at all proposed streets and driveways shall conform to City of Moreno Valley Standard No. 125 & 126 at the time of preparation of final grading, landscape, and street improvement plans.

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142. Traffic Signal Interconnect will be required along the entire project frontage of Alessandro Boulevard. (General Plan Implementation Program III, M, 19)
143. During construction activity, developer is responsible for regularly scheduled street sweeping per approved street sweeping schedule. Failure to provide regularly scheduled street sweeping during construction activity at the approved times shall result in re-inspection fees (amounts to be determined by City Engineer) and/or project suspension until street sweeping is provided.
144. 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

145. Prior to issuance of building permits, the project applicant shall pay appropriate DIF and TUMF.
146. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider. Signing and Striping Plans shall be prepared for all streets (including General Local Street, Short Local Street, Minor Local Street, and Hillside Residential Street) to include provisions for Street Sweeping during construction activity. Street Sweeping signs coordinated with City of Moreno Valley Street Sweeping schedules shall be included in the Signing and Striping Plans, or as approved by the City Engineer.
147. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person.
148. Prior to the commencement of construction activity, construction traffic control plans prepared by a Registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.

PRIOR TO FINAL INSPECTION

149. Prior to final inspection, Street "C" and Maltby Avenue shall be barricaded at the easternmost property limits per City Standard Plans No. 413A and 4138- Metal Beam Guard Railing.
150. Prior to final inspection, a bus-bay shall be installed in accordance with General Plan Objective 46.4 and per City Standard Plan No. 121 at the following location or as determined by the City Traffic Engineer:
- a. South side of Alessandro Boulevard, east of Street "A" for eastbound traffic

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

151. Prior to the 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.

PARKS & COMMUNITY SERVICES DEPARTMENT

152. This project is subject to current Quimby Fees.
153. A multi-use trail shall be designated for Tract 31590. The trail shall be located along the exterior of the tract adjoining Oliver Street and align with the proposed trail to the south of Tract 31590. The multi-use trail shall conform to City of Moreno Valley trail and construction standards. The developer shall comply with the following:
- a. Trail width must comply with Parks and Community Services Department standards and have an 11' wide minimum path of travel. The total area to be dedicated for this project shall have a width of 14'.
 - b. Concurrent with the recordation of the first final map, the offer of dedication for the trail shall be made to the City and CSD in fee. "In Fee" trails shall be labeled as a lettered lot.
 - c. Prior to the approval of Tentative Tract Map 31590, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Parks and Community Services Department and the Community and Economic Development Department for review and approval. Easements and lettered lot trails shall be clearly shown on plans.
 - d. A rough grading and profiled rough grading plan for the trail shall be submitted and approved by the Director of Parks and Community Services or designee prior to the issuance of grading permits. All grade changes shall be detailed on the plans.
 - e. Detailed final plans for the trail, fencing, and adjoining landscaped areas shall be submitted to and approved by the Director of Parks and Community Services or designee prior to approval of the Final Map and the issuance of any building permits. All plans are to include a grid showing grade changes. Landscaped areas adjacent to the trail shall be designed to prevent water damage to the trail. The Director of Parks and Community Services or designee shall approve landscape plans for these areas in writing.
 - f. Push buttons for equestrians shall be mounted on all signals that are adjacent to trails.
 - g. Six sets of full trail (grading, fence/wall, trail construction) plans shall be submitted to Parks and Community Services for routing.
 - h. The trail construction shall be completed and accepted in writing by Parks and Community Services prior to the issuance of the 74th building permit.
 - i. Any damage to the trail or fencing during construction shall be repaired by the developer and inspected by the Parks Projects Coordinator. This shall occur before the last phase of building permits are issued.

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- j. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services and approved in writing by the Parks Projects Coordinator 60 -days prior to the commencement of trail construction.
- k. Decorative block (no precision block) wall with a minimum height of 72” on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail. All block walls that have public view shall have an anti-graffiti coating. Combination block and tubular steel fencing may be required in some locations. The specification for split-faced, slump stone, and any other decorative block finish shall be ‘Vitrocem Hi-Build Anti Graffiti Glazed Coatings’, manufactured by Bithel Inc (800) 277-1676.
- l. Water quality basins located adjacent to trails shall be constructed with tubular steel fencing per the City’s Specifications.
- m. All inspections shall be requested 48 hours in advance from the Parks and Community Services Department (951) 413-3163 at the time of precise grading and throughout construction.

Standard Conditions

- 154. Detailed final plans (mylars, PDF, and AutoCAD file on a DVD-R) for parks, trails/bikeways, fencing, and adjoining landscaped areas shall be submitted to and approved by the Director of Parks and Community Services, or his/her designee, prior to the issuance of any building permits. All plans are to include a profile showing grade changes.
- 155. Within the improvements for PCS, the applicant shall show all existing and planned easements on all maps and plans. Easements on City/CSD owned or maintained parks, trails, bikeways, and landscape shall be identified on each of these plans with the instrument number of the recorded easement.
- 156. Prior to recordation of the Final Map, the applicant shall post security to guarantee construction or modification of parks, trails and/or bikeways for the City/CSD. Copies of said documentation shall be provided to PCS, prior to the approval of the Final Map.
- 157. Applicable plan check and inspection fees shall be paid, per the approved City fee schedule.
- 158. A restriction shall be placed on lots that back up to City/CSD owned or maintained parks, trails, bikeways, and landscaped areas, preventing openings or gates accessing the City/CSD owned or maintained property. This shall be documented through Covenants, Conditions, and Restrictions (CC&R’s). A copy of the CC&R’s with this restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee, prior to the recordation of the Final Map.

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159. The following plans require PCS written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to bikeways; trail improvement plans. PCS will not approve any permits without review and approval of the above items.

PEN20-0144 - Location Map



Legend

- Master Plan of Trails**
- Bridge
 - Improved
 - Multiuse
 - Proposed
 - Regional
 - State
- Road Labels**
- Parcels
 - City Boundary
 - Sphere of Influence

Image Source: Nearmap

Notes:

APN'sL 486-240-002 and -011

631.0 0 315.48 631.0 Feet

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.

Attachment: Location Map (4435 : PEN20-0144 - Modification of Conditions for TTM 31590)



City of Moreno Valley
 Community Development Department
 Planning Division
 City Hall Council Chamber
 14177 Frederick Street
 Moreno Valley, CA 92553

NOTICE OF PUBLIC HEARING



Notice of Public Hearing before the Planning Commission of City of Moreno Valley for the following item(s):

MEETING INFORMATION: July 8, 2021, 7:00 P.M.
 Moreno Valley Council Chamber, 14177 Frederick Street

PROJECT LOCATION: Between Alessandro Boulevard Brodiaea Avenue and approximately 650 feet east of Oliver Str (APN: 486-240-002 and -011), District 3.

CASE NUMBER: PEN20-0144

CASE PLANNER: Jeff Bradshaw, Associate Planner
 (951) 413-3224 or jeffreyb@moval.org

<APN>
 <Property Owner>
 <Street Address>
 <City, State, Zip>

Attachment: Public Hearing Notice (4435 : PEN20-0144 -

NOTICE OF PUBLIC HEARING

1.d

PROPOSAL: Modification of conditions of approval for Tract Map 31590 removing Condition of Approval No. 110.F requiring the installation of a traffic signal at the intersection of Alessandro Boulevard and Oliver Street.

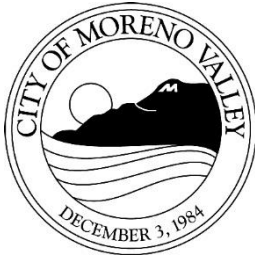
ENVIRONMENTAL DETERMINATION: The project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15162 and 15164 and it has been determined that the proposed changes to the project are consistent with, and will not require revisions to or further analysis of, the Negative Declaration for Tentative Tract Map 31590; therefore no subsequent environmental review is required.

PUBLIC HEARING: All interested parties will be provided an opportunity to submit oral testimony during the Public Hearing and/or provide written testimony during or prior to the Public Hearing. The application file and related environmental document may be inspected at the Community Development Department at 14177 Frederick Street, Moreno Valley, California by calling (951) 413-3206 during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. Friday).

PLEASE NOTE: The Planning Commission may consider and approve changes to the proposed items under consideration during the Public Hearing.

GOVERNMENT CODE § 65009 NOTICE: If you challenge any of the proposed actions taken by the Planning Commission court, you may be limited to raising only those issues you or someone else raised during the Public Hearing described in this notice, or in written correspondence delivered to the Planning Division of the City of Moreno Valley during or prior to, the Public Hearing.

Upon request and in compliance with the Americans with Disabilities Act of 1990, any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to James Verdugo, ADA Coordinator, at 951.413.3350 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: July 8, 2021

VARIANCE APPLICATION REQUESTING AN INCREASE IN THE MAXIMUM HEIGHT OF ON-SITE RETAINING WALLS TO NOT MORE THAN TWELVE FEET SIX INCHES (12'6") FOR INTERIOR WALLS WITHIN AN APPROVED CONDOMINIUM PROJECT.

Case: PEN21-0085 – Variance for retaining wall heights

Applicant: Via Del Lago Homes LLC

Property Owner: Via Del Lago Homes LLC

Representative: Elizabeth Morales

Location: Southwest corner of Iris Avenue and Via Del Lago (304-260-007)

Case Planner: Julia Descoteaux

Council District: 4

Proposal: Variance to allow an increase of on-site retaining wall heights to not more than twelve feet six inches (12'6") for interior walls within an approved condominium project.

SUMMARY

Via Del Lago Homes, LLC ("Applicant") is requesting approval of a Variance to increase the height of on-site retaining walls from six (6') feet to twelve and a half feet (12'6") where necessary to accommodate grade changes.

BACKGROUND

The site is the subject of an entitled Tentative Tract Map 35931 for Condominium purposes with an entitled Plot Plan for the construction of 135 condominium units on 10.41 acres. The project is currently in grading and building review.

During the review process it has been determined that several walls will need to exceed the City's height requirement due to the extent of the natural grade changes of the site, therefore a Variance is being requested.

PROJECT DESCRIPTION

Project

The applicant has requested a variance to allow the construction of on-site retaining walls exceeding the six feet requirement in the City's Municipal Code. The Variance is to provide for equity in use of property, and to prevent unnecessary hardships that might result from a strict or literal interpretation and enforcement of certain regulations within the City's Municipal Code. The site is located on the southwest corner of Iris Avenue and Via Del Lago where there is more than fifty-feet of vertical change in elevation from the Iris Avenue street frontage to the south property line of the project. The wall height ranges will be from six feet (6') to twelve and a half feet (12'6") depending on the location to accommodate the grade changes.

The height increase of the proposed walls will be interior to the project and will not be located along the exterior property lines adjacent to the street sides of Via Del Lago or Iris Avenue.

There will be no changes to the approved condominium project.

Site

The site is located on the southwest corner of Iris Avenue and Via Del Lago within the Moreno Valley Ranch Specific Plan 193. Iris Avenue and Via Del Lago abut the site to the north and east, respectively. The Rancho Del Sol Golf Course is adjacent to the west, and single-family homes are located to the south of the project site.

Access/Parking

The proposed Variance will not modify the approved access points along Iris Avenue and Via Del Lago, or the on-site parking.

Variance Findings

When considering a variance request, Municipal Code Section 9.03.100 (Variances) sets forth six findings that must be made when approving a variance. Those findings and justifications for each is provided below.

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.

FINDINGS: The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty for the property owner. The proposed variance application will allow for the construction of retaining walls up to twelve and a half feet (12'6") in height. Per Municipal Code Section 9.08.070 retaining walls in the rear yard may not exceed six (6') feet. The variance is to allow wall heights that exceed the maximum requirements of Municipal Code Section 9.08.070. Due to the following circumstances: 1) the existing grade change onsite includes more than a fifty (50') foot of vertical change in elevation from the front of the site at Iris Avenue to the rear of the site at the southerly setback; and 2) the proposed site is surrounded by existing development on all four sides with established grades that cannot be modified.

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.

FINDINGS: The subject property is unique to the other properties in the vicinity and under the same zoning classification because there are a combination of exceptional and extraordinary circumstances that result in the need for the proposed over-height retaining wall due to the fifty (50') foot of vertical change from the north front property line to the south rear property line. The proposed site is surrounded by existing development on all four sides with established grades that cannot be modified.

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.

FINDINGS: 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. Strict interpretation of the code would result in the underutilization of the property due to existing physical constraints associated with on-site grades and existing development.

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.

FINDINGS: The granting of the variance will not constitute the granting of a special privilege as existing adjacent development and on-site slopes limit the ability to develop a portion of the project site without the inclusion of the proposed retaining walls. These physical constraints are unique to the project site.

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

FINDINGS: The proposed Variance PEN21-0085 will not be detrimental to public health, safety or welfare or materially injurious to properties or improvements in the vicinity. Staff has evaluated the design and potential environmental impact of the proposed project. The project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) Guidelines (Sections 15162 and 15164) and it has been determined that preparation of a subsequent Negative Declaration or an Addendum is not required since the proposed changes to the project were determined to be minor and that the project is consistent with the findings of the original Negative Declaration for this project that was approved by the Planning Commission August 23, 2012. Furthermore, the proposed walls will be designed in compliance with applicable building codes.

6. That the granting of a variance is consistent with the objectives and policies of the General Plan and the intent of Title 9.

FINDINGS: The proposed use would be in conformance with the existing surrounding residential uses. The location and design of the project will also be consistent with the other existing residential uses in the immediate vicinity.

REVIEW PROCESS

The project was reviewed by the Planning Division for consistency with the Municipal Code. Based on staff's review, and the recommended conditions of approval, staff believes that the project is consistent with all applicable City development and design standards and specifications.

ENVIRONMENTAL

The project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15162 and 15164 and it has been determined that the proposed changes to the project are consistent with, and will not require revisions to or further analysis of, the Negative Declaration for Tentative Tract Map 35931; therefore no subsequent environmental review is required.

NOTIFICATION

Public notice was sent to all property owners of record within 600 feet' of the project site. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise Newspaper.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2021-22 and thereby:

1. FINDS AND DETERMINES that Variance PEN21-0085 has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15161 and 15164 and that preparation of a subsequent Negative Declaration or an Addendum is not required since the proposed changes to the project are minor and that the project is consistent with the findings or the original Negative Declaration for this project that was certified by the Planning Commission on August 23, 2012; and
2. **APPROVE** Variance PEN21-0085 subject to the attached Conditions of Approval as Exhibit A to the Resolution.

Prepared by:
Julia Descoteaux
Associate Planner

Approved by:
Manuel A. Mancha
Community Development Director

ATTACHMENTS

1. 2021-22 Resolution for PEN21-0085
2. Exhibit A to Resolution 2021-22 _PEN21-0085 Conditions of Approval
3. Project Plan
4. Location Map
5. PEN21-0085_Mailing Notice

RESOLUTION NUMBER 2021-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A VARIANCE (PEN21-0085) FOR THE RETAINING WALL HEIGHT AT VARIOUS LOCATIONS WITHIN THE SITE LOCATED AT ON THE SOUTHWEST CORNER OF IRIS AVENUE AND VIA DEL LAGO (APN 304-260-007)

WHEREAS, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California; and

WHEREAS, Via Del Lago Homes, LLC (“Applicant”) has filed an application for the approval of a Variance PEN21-0085 (“Project”) to provide for an increase in the overall height of various retaining walls due to the topography on the project site located on the southwest corner of Iris Avenue and Via Del Lago (304-260-007) (“Site”); and

WHEREAS, Section 9.08.070 (Fences and Walls) of the Moreno Valley Municipal Code states any walls and fences shall not exceed six feet in height (6’); and

WHEREAS, Section 9.01.100 (Variance) of the Moreno Valley Municipal Code acknowledges that the purpose of a variance is to provide for equity in use of property, and to prevent unnecessary hardships that might result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title; and

WHEREAS, the Application has been evaluated in accordance with Section 9.02.100 (Variances) of the Municipal Code with consideration given to the City’s General Plan, Zoning Ordinance, and other applicable laws and regulations; and

WHEREAS, Section 9.02.100 of the Municipal Code imposes conditions of approval upon projects for which a Variance is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the site is used and any other conditions as may be deemed necessary to protect the public health, safety and welfare to ensure that the proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code Section 65905, a public hearing was scheduled for July 8, 2021, and notice thereof was duly published and posted, and mailed to all property owners of record within 600 feet of the Site; and

WHEREAS, on July 8, 2021, the public hearing to consider the Project was duly conducted by the Planning Commission at which time all interested persons were provided with an opportunity to testify and to present evidence; and

WHEREAS, consistent with the requirements of Section 9.02.100 (Variances) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Variance PEN21-0085 (“Variance”), which

conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety and welfare and to ensure the Project will be developed in accordance with the purpose and intent of Title 9 (“Planning and Zoning”) of the Municipal Code; and

WHEREAS, at the public hearing, the Planning Commission reviewed and considered the Planning Division’s recommendation that the Project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15162 and 15164 and it has been determined that the Project is consistent with, and will not require revisions to or further analysis of, the Negative Declaration for Tentative Tract Map 35931; therefore, no subsequent environmental review is required.

WHEREAS, at the public hearing, the Planning Commission reviewed and considered whether each of the requisite findings specified in Section 9.02.100 of the Municipal Code and set forth herein could be made with respect to the Project as conditioned by the Conditions of Approval.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals and Exhibits

That the foregoing Recitals and attached Exhibits are true and correct and are hereby incorporated by this reference.

Section 2. Notice

That pursuant to Government Code section 66020(d)(1), notice is hereby given that the Project is subject to certain fees, dedications, reservations, and other exactions as provided herein.

Section 3. Evidence

That the Planning Commission has considered all the evidence submitted into the administrative record for the proposed Variance, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Application for the approval of Variance PEN21-0085 and all documents, records and references contained therein;
- (d) Conditions of Approval for Variance PEN21-0085, attached hereto as Exhibit A;
- (e) Staff Report prepared for the Planning Commission’s consideration and all documents, records and references related thereto, and Staff’s presentation at the public hearing;

- (f) Staff's determination that the Project is consistent with, and will not require revisions to or further analysis of, the Negative Declaration for Tentative Tract Map 35931; therefore, no subsequent environmental review pursuant to the California Environmental Quality Act is required;
- (g) Testimony and/or comments from Applicant and its representatives during the public hearing; and
- (h) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the public hearing.

Section 4. Findings

That based on the content of the foregoing Recitals and the Evidence contained in the Administrative Record (including without limitation the contents of the Staff Report) as set forth above, the Planning Commission makes the following findings:

- (a) 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;
- (b) 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;
- (c) That strict or literal interpretation and enforcement of the specified regulation would 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;
- (d) That granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification;
- (e) 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; and
- (f) That granting of a variance is consistent with the objectives and policies of the general plan and the intent of Title 9.

Section 5. Determination of CEQA

That the Planning Commission hereby determines that the Project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) Guidelines (Sections 15162 and 15164) and that preparation of a subsequent Negative Declaration or an Addendum is not required since the Project is determined to be minor and that the Project is consistent with the findings of the original Negative Declaration for this project that was approved by the Planning Commission August 23, 2012, and that the proposed walls will be designed in compliance with applicable building codes.

Section 6. Approval

That based on the foregoing Recitals, Administrative Record and Findings, the Planning Commission hereby approves Variance PEN21-0085 (“Project”) subject to the Conditions of Approval for Variance PEN21-0085 attached hereto as Exhibit A.

Section 7. Repeal of Conflicting Provisions

That all the provisions as heretofore adopted by the Planning Commission that conflict with the provisions of this Resolution are hereby repealed.

Section 8. Severability

That the Planning Commission declares that, should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 9. Effective Date

That this Resolution shall take effect immediately upon the date of adoption.

PASSED AND ADOPTED THIS 8th day of July 2021.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Patricia Korzec, Chairperson

ATTEST:

Patty Nevins,
Planning Official

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibits:
Exhibit A: Conditions of Approval

Attachment: 2021-22 Resolution for PEN21-0085 (4425 : PEN21-0085 VARIANCE)

Exhibit A

CONDITIONS OF APPROVAL

Attachment: 2021-22 Resolution for PEN21-0085 (4425 : PEN21-0085 VARIANCE)

CONDITIONS OF APPROVAL

Variance (PEN21-0085)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Variance (PEN21-0085)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENT**Planning Division**

1. A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.
2. 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)
3. Unless specifically superseded herein, these conditions of approval do not replace or supersede the final conditions of approval for approved project P15-073 and/or PEN18-0225, Via Del Lago Project or any related projects or plan checks.
4. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
5. 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

6. The Variance is for an increase in height to the proposed interior walls to a maximum of twelve and a half feet (12'6") where necessary per the approved plans. This does not apply to any wall along the frontage of Iris Avenue or Via Del Lago. A change or modification shall require separate approval.

CONDITIONS OF APPROVAL

Variance (PEN21-0085)

Page 2

Building Division

7. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
8. The proposed development shall be subject to the payment of required development fees as required by the City's current Fee Ordinance at the time a building application is submitted or prior to the issuance of permits as determined by the City.
9. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations

REFERENCE SITE PLAN
+6-FOOT HIGH WALLS
HIGHLIGHTED

Via Del Lago

Iris Avenue



Existing Golf Course

Existing Single Family residential



VIA DEL LAGO HOMES

SITE PLAN

SCALE: 1" = 30'-0"

+6-FOOT HIGH WALL SECTIONS HIGHLIGHTED

PEN21-0085 Variance

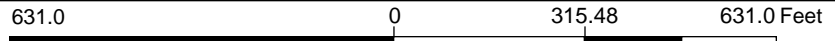


Legend

- Master Plan of Trails
 - Bridge
 - Improved
 - Multiuse
 - Proposed
 - Regional
 - State
- Road Labels
- Parcels
- City Boundary
- Sphere of Influence

Image Source: Nearmap

Notes:



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.

Attachment: Location Map (4425 : PEN21-0085 VARIANCE)



City of Moreno Valley
 Community Development Department
 Planning Division
 City Hall Council Chamber
 14177 Frederick Street
 Moreno Valley, CA 92553

NOTICE OF PUBLIC HEARING



Notice of Public Hearing before the Planning Commission of City of Moreno Valley for the following item(s):

MEETING INFORMATION: July 8, 2021 at 7:00 P.M.
 Moreno Valley Council Chamber, 14177 Frederick Street

PROJECT LOCATION: SWC Iris Avenue and Via Del Lago. 15 Via Del Lago (APN: 304-260-007), District 4

CASE NUMBER(s): PEN21-0085

CASE PLANNER: Julia Descoteaux, Associate Planner
 (951) 413 3209 or juliad@moval.org

<APN>

<Property Owner>

<Street Address>

<City, State, Zip>

Attachment: PEN21-0085_Mailing Notice (4425 : PEN21-0085

NOTICE OF PUBLIC HEARING

2.e

PROPOSAL: Variance to increase the height of retaining walls within the approved project, a multi-family development.

ENVIRONMENTAL DETERMINATION: The project has been evaluated against the criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15162 and 15164 and it has been determined that the proposed changes to the project are consistent with, and will not require revisions to or further analysis of the Negative Declaration for Tentative Tract Map 35931; therefore no subsequent environmental review is required.

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