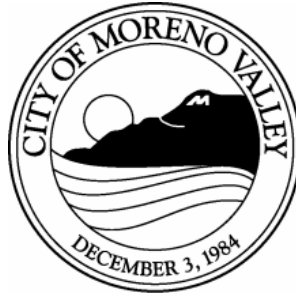

PLANNING COMMISSIONERS

ALVIN DEJOHNETTE
Chairperson

OMAR COBIAN
Vice Chairperson

JOANN STEPHAN
Commissioner



RAY BAKER
Commissioner

VACANT
Commissioner

VACANT
Commissioner

VACANT
Commissioner

PLANNING COMMISSION

Regular Meeting

Agenda

Thursday, June 22, 2023 at 6:00 PM
City Hall Council Chamber – 14177 Frederick Street

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, members 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 non-controversial, and may be enacted by one roll call vote. There will be no discussion of these items unless a member of the Planning Commission requests that an item be removed for separate action

1. Planning Commission Minutes – Regular Meeting – June 8, 2023 6:00 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 951.413.3350 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.

NON-PUBLIC HEARING ITEMS

No items for discussion.

PUBLIC HEARING ITEMS

1. Case: Conditional Use Permit (PEN22-0179)
Applicant: Jaime Verde
Property Owner: Canyon Springs Plaza LTD Partnership
Project Site: 12125 Day Street, Suite T101, on the south side of Box Springs Road, west of Day Street
Case Planner: Danielle Harper-Scott, Associate Planner
Council District: 2
Proposed Project: Conditional Use Permit to allow for the sale of beer and wine for off-site consumption (Type 20 License) within an existing market (Tres Islas Seafood Market) located within three 300 feet from a residential zone
CEQA: Determine that Conditional Use Permit (PEN22-0179) is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15301 (Existing Facilities)

2. Case: Tentative Tract Map No. 38621 (PEN19-0039) Master Plot Plan (PEN21-0273), and Plot Plans (PEN19-0041); (PEN19-0042); (PEN19-0043); (PEN20-0204); (PEN20-0205); Conditional Use Permit (PEN19-0044); (PEN19-0045); (PEN20-0203)
Applicant: Danny Singh of Northwest Moreno Properties, LLC
Property Owner: Northwest Moreno Prop
Representative: Gregory Hann, Empire Design Group, Inc.
Project Site: Northwest corner of Alessandro Boulevard and Lasselle Street (APN: 479-631-010)
Case Planner: Gabriel Diaz, Associate Planner
Council District: 3

Proposed Project: The Proposed Project consists of a commercial center which includes sit down and drive-through restaurants, a fueling station with an associated convenience store and fast food restaurant with drive-through, a bank with a drive-through, two office buildings, three retail buildings, and an express car wash on approximately 8.51 gross acres. The project site is located within the Corridor Mixed Use (COMU) Zoning District.

CEQA: Adopt Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

OTHER COMMISSION BUSINESS

No items for discussion.

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Planning Commission Regular Meeting Thursday, July 13 at 6:00 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 – 6:00 PM
June 8, 2023**

CALL TO ORDER

This regular meeting of the Planning Commission of the City of Moreno Valley was called to order at 6:00 p.m., by Chairperson DeJohnette in the Council Chambers located at 14177 Frederick Street, Moreno Valley, California.

ROLL CALL

Planning Commission:	Alvin DeJohnette	Chairperson	Present
	Omar Cobian	Vice Chairperson	Present
	JoAnn Stephan	Commissioner	Present
	Ray L. Baker	Commissioner	Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner JoAnn Stephan.

APPROVAL OF AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Ray L. Baker, Commissioner
SECONDER: Omar Cobian, Vice Chairperson
AYES: Ray L. Baker, Omar Cobian, Alvin DeJohnette, JoAnn Stephan

PUBLIC COMMENTS PROCEDURE

PUBLIC COMMENTS

No public comments.

CONSENT CALENDAR

1. Planning Commission - Regular Meeting - May 25, 2023 6:00 PM

RESULT: APPROVED [UNANIMOUS]
MOVER: Omar Cobian, Vice Chairperson
SECONDER: Ray L. Baker, Commissioner
AYES: Omar Cobian, Ray L. Baker, Alvin DeJohnette, JoAnn Stephan

NON-PUBLIC HEARING ITEMS

No items for discussion.

Minutes Acceptance: Minutes of Jun 8, 2023 6:00 PM (CONSENT CALENDAR)

PUBLIC HEARING ITEMS

1. General Plan Amendment, Change of Zone, Conditional Use Permit for a Planned Unit Development, and Tentative Tract Map No. 38459 for a 108-unit condominium development.

A. Staff recommends that the Planning Commission take the following actions:

1. **ADOPT** Resolution No. 2023-22, attached hereto, **AND**:

- a) **RECOMMENDING THAT THE CITY COUNCIL ADOPT** the Initial Study/Mitigated Negative Declaration prepared for General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096), Conditional Use Permit for a Planned Unit Development (PEN21-0066), and Tentative Tract Map No. 38459 (PEN22-0127), 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 and City reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts; and
- b) **RECOMMENDING THAT THE CITY COUNCIL ADOPT** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of General Plan Amendment (PEN20-0095), Change of Zone (PEN20-0096), Conditional Use Permit for a Planned Unit Development (PEN21-0066), and Tentative Tract Map No. 38459 (PEN22-0127), pursuant to CEQA and its guidelines.

2. **ADOPT** Resolution No. 2023-23, attached hereto, **AND**

- a) **RECOMMENDING THAT THE CITY COUNCIL APPROVE** General Plan Amendment (PEN20-0095) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-23 and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment.

3. **ADOPT** Resolution No. 2023-24, attached hereto, **AND**

- a) **RECOMMENDING THAT THE CITY COUNCIL APPROVE** Change of Zone (PEN20-0096) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-24 and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the Change of Zone.

4. **ADOPT** Resolution No. 2023-26, attached hereto, **AND**

- a) **RECOMMENDING THAT THE CITY COUNCIL APPROVE** Conditional Use Permit for a Planned Unit Development (PEN21-0066), and Tentative Tract Map No. 38459 (PEN22-0127) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-26.

Public Hearing Opened: 6:41 PM

Speakers:

Donald Avery
Andy Gildore
Frank Almeida

Public Hearing Closed: 7:13 PM

RESULT: APPROVED [UNANIMOUS]
MOVER: Ray L. Baker, Commissioner
SECONDER: JoAnn Stephan, Commissioner
AYES: Ray L. Baker, JoAnn Stephan, Alvin DeJohnette, Omar Cobian

OTHER COMMISSION BUSINESS

No items for discussion.

STAFF COMMENTS

No items for discussion.

PLANNING COMMISSIONER COMMENTS

Commissioner Baker informed the Commissioners he will not attend the July 22, 2023, Planning Commission meeting since he will be out of town.

ADJOURNMENT

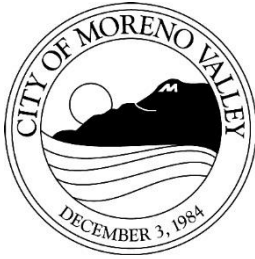
There being no further business to come before the Planning Commission, Chairperson adjourned the meeting at 7:26 PM.

Submitted by:

Approved by:

Patricia Castreje
Planning Commission Secretary

Alvin DeJohnette
Chairperson



PLANNING COMMISSION

STAFF REPORT

Meeting Date: June 22, 2023

CONDITIONAL USE PERMIT TO ALLOW FOR THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (TYPE 20 LICENSE) WITHIN AN EXISTING MARKET (TRES ISLAS SEAFOOD MARKET) LOCATED WITHIN THREE 300 FEET FROM A RESIDENTIAL ZONE

Case: Conditional Use Permit (PEN22-0179)

Applicant: Jaime Verde

Property Owner: Canyon Springs Plaza LTD Partnership

Project Site: 12125 Day Street, Suite T101, on the south side of Box Springs Road, west of Day Street

Case Planner: Danielle Harper-Scott, Associate Planner

Council District: 2

Proposed Project: Conditional Use Permit to allow for the sale of beer and wine for off-site consumption (Type 20 License) within an existing market (Tres Islas Seafood Market) located within three 300 feet from a residential zone

CEQA: Determine that Conditional Use Permit (PEN22-0179) is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15301 (Existing Facilities)

SUMMARY

The Applicant, Jaime Verde, representing Tres Islas Seafood Market, is requesting approval of a Conditional Use Permit (“CUP”) to allow for the sale of beer and wine for off-site consumption (Type 20 License) within an existing market (Tres Islas Seafood

Market) (“Proposed Project”). The Proposed Project is located within an existing suite at the Canyon Springs Plaza (“Project Site”), in the Community Commercial (CC) District.

PROJECT DESCRIPTION

The applicant is requesting approval of a Conditional Use Permit to allow the off-sale of beer and wine (Type 20 License) at Tres Islas Seafood Market, as it is located within 300 feet of a residential zone and use. The Proposed Project is located at 12125 Day Street within an existing 3,040 square-foot suite in the Canyon Springs Plaza.

Tres Islas Seafood Market’s hours of operation are Monday through Thursday from 10:00 a.m. to 7:00 p.m., and Friday through Sunday from 9:00 a.m. to 6:00 p.m. Beer and wine will be stored in an existing walk-in cooler, located in the back of the building. The beer and wine will be displayed in refrigerators in the client area, near the registers. Alcohol consumption is not permitted on the premises.

The project site is located within Census Tract 422.12. Per the California Department of Alcoholic Beverage Control (ABC), there are three existing off-sale licenses within the tract, where four off-sale licenses are allowed. The proposed license would be the fourth off-sale license in the census tract. Therefore, the census tract is not considered to be over-concentrated.

Surrounding Area

The Project Site is a developed parcel within the Canyon Springs Plaza commercial shopping center. The site can be accessed from Day Street. The Project Site is surrounded by single-family development to the north, multi-family residential development to the west, commercial development to the east, and the State Route 60 Freeway to the south.

REVIEW PROCESS

All appropriate outside agencies have reviewed the Proposed Project. The Project Review Staff Committee reviewed the Proposed Project as required by the Municipal Code. Upon review of the Proposed Project, staff determined that the Proposed Project is consistent with the City’s requirements, subject to the conditions of approval and findings in the attached Resolution.

ENVIRONMENTAL

Staff recommends that the Planning Commission find that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines as a Class 1 Exemption (Section 15301, Existing Facilities). Pursuant to the California Code of Regulations, a Class 1 Exemption can be applied to a project when the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing

at the time of the lead agency's determination. The Proposed Project has been found to meet all of the conditions of the Class 1 Exemption as the Proposed Project involves interior alterations and no expansion of use.

NOTIFICATION

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

REVIEW AGENCY COMMENTS

Staff has coordinated with outside trustees and responsible agencies where applicable, as is the standard review process with these types of development applications.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2023-30, and thereby:

1. **DETERMINE** that Conditional Use Permit (PEN22-0179) is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15301 (Existing Facilities); and,
2. **APPROVE** Conditional Use Permit (PEN22-0179) subject to the attached Conditions of Approval and findings included as Exhibit A.

Prepared by:
Danielle Harper-Scott

Approved by:
Sean P. Kelleher
Acting Community Development Director

ATTACHMENTS

To view large attachments, please click your "bookmarks"  on the left hand side of this document for the necessary attachment.

1. Resolution No. 2023-30
2. Project Plans
3. Zoning Map

RESOLUTION NUMBER 2023-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (PEN22-0179) TO ALLOW FOR THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (TYPE 20 LICENSE) WITHIN AN EXISTING MARKET (TRES ISLAS SEAFOOD MARKET) (PEN22-0179) LOCATED AT 12125 DAY STREET, SUITE T101, ON THE SOUTH SIDE OF BOX SPRINGS ROAD, WEST OF DAY STREET (APN: 291-050-067)

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

WHEREAS, Jaime Verde (“Applicant”) has filed an application for the approval of a Conditional Use Permit to allow for the sale of beer and wine for off-site consumption (Type 20 License) within an existing market (Tres Islas Seafood Market) (PEN22-0179), located within 300 feet of a residential zone and residential structure (“Application”) within an existing 3,040 square-foot suite (“Proposed Project”), located at 12125 Day Street, Suite T101 (APN: 291-050-067) (“Project Site”); and

WHEREAS, Section 9.02.020 (Permitted Uses) provides that convenience stores with alcohol sales located within three hundred (300) feet or less from a residential zone or use may be allowed within the Community Commercial (CC) District, with a properly secured conditional use permit approved through the Planning Commission; and

WHEREAS, Section 9.02.060 (Conditional Use Permits) of the Moreno Valley Municipal Code acknowledges that the purpose of conditional use permits is to allow the establishment of uses that may have special impacts or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location and that the conditional use permit application process involves the review of location, design and configuration of improvements related to the Proposed Project, and the potential impact of the Proposed Project on the surrounding area based on fixed and established standards; and

WHEREAS, the Application has been evaluated in accordance with Section 9.02.060 (Conditional Use Permits) of the Municipal Code with consideration given to the City’s General Plan, Zoning Ordinance, and other applicable laws and regulations; and

WHEREAS, Section 9.02.060 of the Municipal Code imposes conditions of approval upon projects for which a Conditional Use Permit 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

1

Resolution No. 2023-30

June 22, 2023

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 June 22, 2023, 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 June 22, 2023, the public hearing to consider the Application 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 9.02.060 (Conditional Use Permits) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Conditional Use Permit PEN22-0179 (“CUP”), 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 Proposed 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 Proposed Project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA¹) and the CEQA Guidelines², Section 15301 (Existing Facilities) in that the Proposed Project has been found to meet all of the conditions of the Class 1 Exemption as the Proposed Project involves interior alterations and no expansion of use; and

WHEREAS, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.060(C) of the Municipal Code and set forth herein could be made with respect to the proposed 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, in the staff report and conditions of approval (collectively, “Conditions”); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§ 15000-15387

these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Section 3. Evidence

That the Planning Commission has considered all of the evidence submitted into the administrative record for the proposed CUP, 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 a Conditional Use Permit PEN22-0179 and all documents, records and references contained therein;
- (d) Conditions of Approval for Conditional Use Permit PEN22-0179, 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 Proposed Project is categorically exempt in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines;
- (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 as set forth above, the Planning Commission makes the following findings:

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

Section 5. Determination of Categorical Exemption

That the Planning Commission hereby determines that the Proposed Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities) because it involves interior alterations and no expansion of use.

Section 6. Notice of Exemption

That the Planning Division is hereby directed to prepare, execute, and file a Notice of Exemption as required by Section 5.2 (Noticing Requirements) of the City's Rules and Procedures for the Implementation of the California Environmental Quality Act and CEQA Guidelines Section 15062.

Section 7. Approval

That based on the foregoing Recitals, Administrative Record and Findings, the Planning Commission hereby approves Conditional Use Permit PEN22-0179 subject to the Conditions of Approval for Conditional Use Permit PEN22-0179, attached hereto as Exhibit A.

Section 8. 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 9. 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 10. Effective Date

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

Section 11. Certification

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED THIS 22nd day of JUNE 2023.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin Dejohnette
Chairperson

ATTEST:

Sean P. Kelleher
Acting Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla
Interim City Attorney

Exhibits:
Exhibit A: Conditions of Approval

Attachment: Resolution No. 2023-30 [Revision 2] (6286 : Tres Islas Seafood Market)

Exhibit A

CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-0179)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Conditional Use Permit (PEN22-0179)

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. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
3. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN22-0179)

Page 2

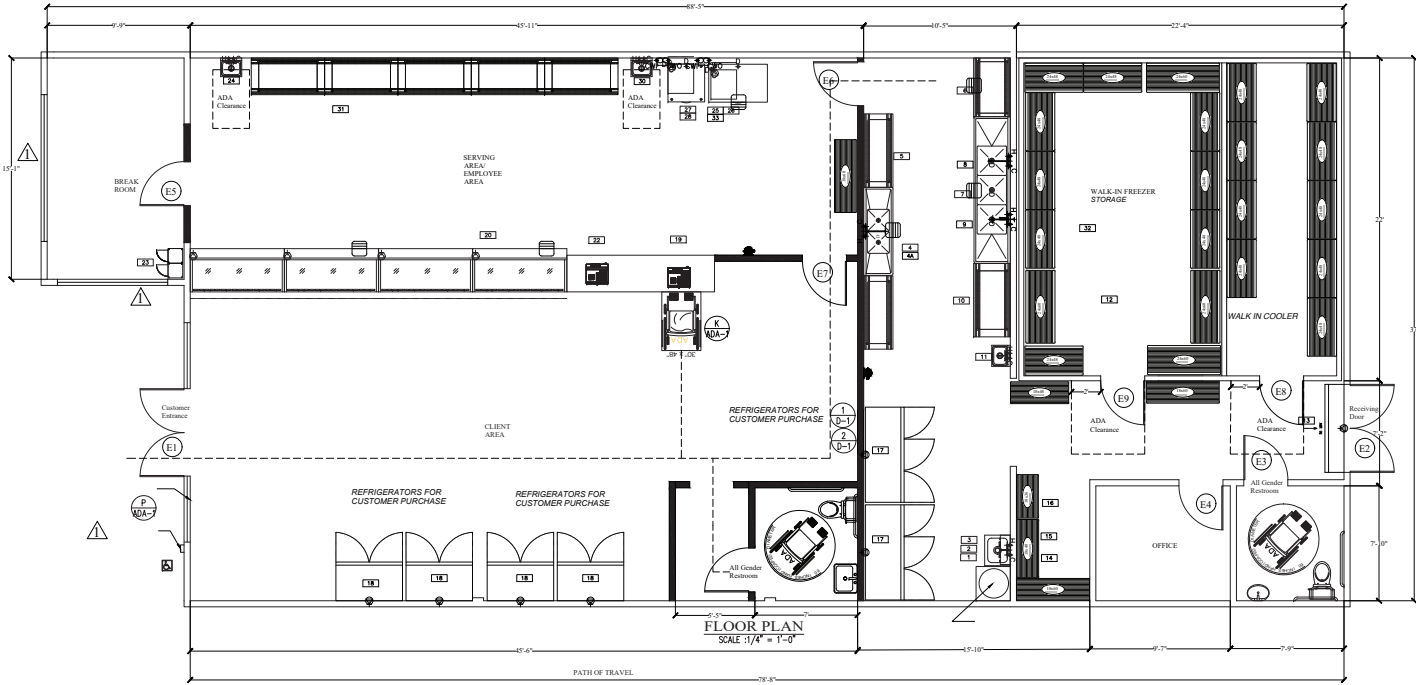
provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

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)

Special Conditions

5. The Police Chief may require the business owner to provide future security within the restaurant and the shopping center parking lot to address issues that arise from the operation of the business.

FLOOR PLAN

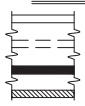


Finish Schedule				
AREA	FLOOR	COVE BASE	WALL FINISHES	CEILING
Kitchen	Countertop	Stainless Steel	Stainless Steel	Acoustic Ceiling
	Walls	Stainless Steel	Stainless Steel	Acoustic Ceiling
Dishwashing	Countertop	Stainless Steel	Stainless Steel	Acoustic Ceiling
	Walls	Stainless Steel	Stainless Steel	Acoustic Ceiling
Dry Storage	Countertop	Stainless Steel	Stainless Steel	Acoustic Ceiling
	Walls	Stainless Steel	Stainless Steel	Acoustic Ceiling
Walk-in Cooler	Countertop	Stainless Steel	Stainless Steel	Acoustic Ceiling
	Walls	Stainless Steel	Stainless Steel	Acoustic Ceiling
Map Sink	Countertop	Stainless Steel	Stainless Steel	Acoustic Ceiling
	Walls	Stainless Steel	Stainless Steel	Acoustic Ceiling
Restrooms	Countertop	Stainless Steel	Stainless Steel	Acoustic Ceiling
	Walls	Stainless Steel	Stainless Steel	Acoustic Ceiling
Building Area	Countertop	Stainless Steel	Stainless Steel	Acoustic Ceiling
	Walls	Stainless Steel	Stainless Steel	Acoustic Ceiling
Customer Area	Countertop	Stainless Steel	Stainless Steel	Acoustic Ceiling
	Walls	Stainless Steel	Stainless Steel	Acoustic Ceiling

Notes: FRP Lining to be applied behind wet areas, extended min 18" on each side.
 All walls and ceiling to have a smooth finish and light color with 70% light reflective value (L.R.V.).
 Trunk Enclosure to have smooth and washable walls and floor.
 All covered floor base shall extend 4-6 inches up walls, counters, curbs and toe kicks with a minimum 3/8" radius curve.
 The base cover shall be an integral unit with the floor.
 Provide a continuous, self-closing door (minimum 4" high with 3/8" radius curve) in the following areas: Kitchen, bathroom and Dry Storage Area.
 Water resistant walls (i.e., ceramic tile, FRP, Stainless steel, etc.) are required behind all sinks, mop sink, and dishwashers.
 For bathrooms 4" high. Water resistant material shall be a minimum of 8' high from the top of the floor base.
 All doors are to be self-closing and all windows are fixed.

EQUIPMENT SCHEDULE														
Item No	Qty	Equipment Category	Manufacturer	Model Number	Amps	HP	Volts	Phase	Open	Close	Height	Width	Depth	Weight
1	1	Sink, Slope	Advance Tabco	8-09-05										
2	1	Faucet, Service Sink	Fisher	B283										
3	1	Shelf, Wall Mount	Advance Tabco	K-245										
4	1	Sink, Kitchen	Turbo Air	TSK-2-12-01										
5	1	Faucet, Backsplash Mount	Fisher	13218										
6	1	Table, Work	Turbo Air	TSW-3400C										
7	1	Sink, NSF, 3 comp, 16 gauge	OSW	SH242420										
8	1	Faucet, Backsplash Mount	Fisher	13218										
9	1	Pre-Rinse Faucet, Wall Mount	Fisher	34355										
10	1	Table, Work	Turbo Air	TSW-3000E										
11	1	Hand Sink, Wall Mount	Advance Tabco	7-PP-80										
12	1	Shelving, Wire	Quantum Foodservice	2460P										
13	1	Air Curtin, Unheated	Heat-Air Systems	HW372-31P	18.0	1.0	115	1	60	2				
14	1	Shelving, Wire	Quantum Foodservice	1860C										
15	1	Shelving, Wire	Quantum Foodservice	1860C										
16	1	Shelving, Wire	Quantum Foodservice	1860C										
17	2	Refrigerator, Reach-in	Alcoa USA	MRF80002R	4.2	0.2	115	1	60					
18	4	Freezer, Reach-in, Glass Door	Alcoa USA	MRF81002S	8.8	0.8	115	1	60					
19	1	Cash register	By Owner											
20	4	Deli Case, Refrigerated	Tony's Pro Cold	MCS6 ROW										
21	1	Cash register	By Owner											
22	2	Locker	OSW	ELS-60R										
23	1	Hand Sink, Wall Mount	Advance Tabco	7-PP-80										
24	1	Bin, Ice	ice-O-Matic	B110PS										
25	1	Ice Maker, Flake Style	ice-O-Matic	MP0800A	21.0		115	1	60	2				0.75
26	1	Bin, Ice	ice-O-Matic	MP0800A										0.75
27	1	Ice Maker, Flake Style	ice-O-Matic	MP0800A	18.0		115	1	60	2				0.75
28	1	Hand Sink, Wall Mount	Advance Tabco	7-PP-80										
29	1	Table, Work	Turbo Air	TSW-3000E										
30	1	Walk-in Combo box	Refrigeration Super store	Custom										
31	1	Floor System, Isomaster	ice-O-Matic	F20										

FIRE EXTINGUISHERS:
 Type ABC
 Classification 2-A
 Type B-C Size 1/2
 The final number and box configurations shall be determined by the local Fire Inspector.



Attachment: Project Plans [Revision 1] (6286 : Tres Islas Seafood Market)

REVISIONS	
DATE:	BY:
File 10/21/21	jamie
Building 10/9/22	jamie

Tres Island Seafood
 12125 Day St Suite T-101
 Moreno valley Ca



DATE: 6/25/21

J & L Design
 18551 Olalee way
 Apple Valley Ca 92307

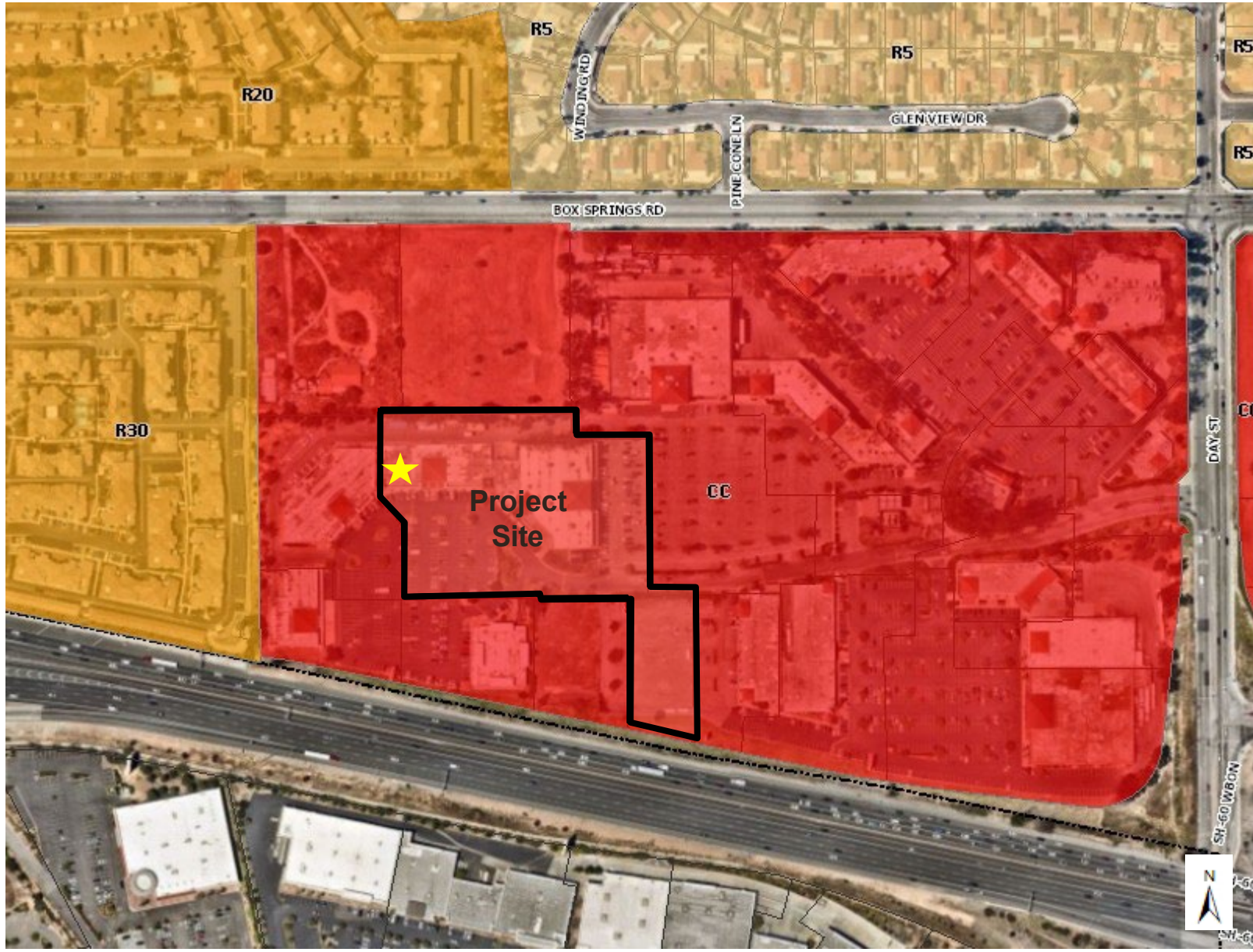
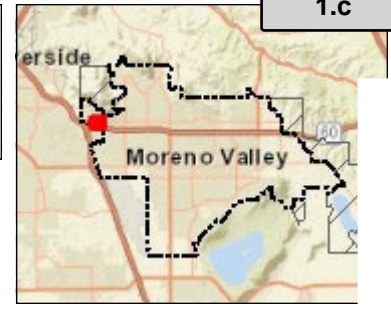
NOTICE: The final number and box configurations shall be determined by the local Fire Inspector. This drawing was created for the use of this project only and are the sole property of J & L Design. No design may be reproduced without the written consent of J & L Design AND the Architect of Record.

SCALE: 1/4" = 1'-0"
 DRAWN: Jamie
 JOB: TESL-0621
 SHEET:

A-1



Zoning Map PEN22-0179



Legend

Zoning

- Commercial
- Center Mixed Use
- Downtown Center
- Corridor Mixed Use
- Industrial/Business Park
- Public Facilities
- Highway Office/Commercial
- Office
- Business Flex
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

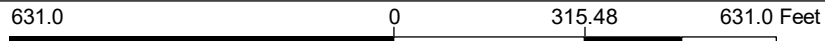
Master Plan of Trails

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

Road Labels

- Parcels

Attachment: Zoning Map (6286 : Tres Islas Seafood Market)

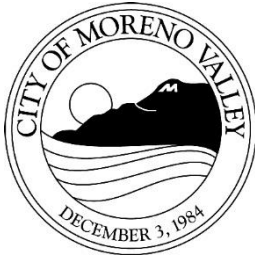


WGS_1984_Web_Mercator_Auxiliary_Sphere

Print Date: 5/24/2023

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

Notes:



PLANNING COMMISSION

STAFF REPORT

Meeting Date: June 22, 2023

THE PROPOSED PROJECT CONSISTS OF A COMMERCIAL CENTER WHICH INCLUDES SIT DOWN AND DRIVE-THROUGH RESTAURANTS, A FUELING STATION WITH AN ASSOCIATED CONVENIENCE STORE AND FAST FOOD RESTAURANT WITH DRIVE-THROUGH, A BANK WITH A DRIVE-THROUGH, TWO OFFICE BUILDINGS, THREE RETAIL BUILDINGS, AND AN EXPRESS CAR WASH ON APPROXIMATELY 8.51 GROSS ACRES. THE PROJECT SITE IS LOCATED WITHIN THE CORRIDOR MIXED USE (COMU) ZONING DISTRICT.

Case: Tentative Tract Map No. 38621 (PEN19-0039)
 Master Plot Plan (PEN21-0273)
 Plot Plans (PEN19-0041) (PEN19-0042) (PEN19-0043)
 (PEN20-0204) (PEN20-0205)
 CUP (PEN19-0044) (PEN19-0045) (PEN20-0203)

Applicant: Danny Singh of Northwest Moreno Properties, LLC

Property Owner: Northwest Moreno Prop

Representative: Gregory Hann, Empire Design Group, Inc.

Project Site: Northwest corner of Alessandro Boulevard and Lasselle Street
 (APN: 479-631-010)

Case Planner: Gabriel Diaz, Associate Planner

Council District: 3

Proposed Project: The Proposed Project consists of a commercial center which includes sit down and drive-through restaurants, a fueling station with an associated convenience store and fast food restaurant with drive-through, a bank with a drive-through, two office buildings, three retail buildings, and an express car wash on approximately 8.51 gross acres. The project site is located within the Corridor Mixed Use (COMU) Zoning District.

CEQA: Adopt Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

SUMMARY

Northwest Moreno Properties, LLC, Inc. ("Applicant") submitted applications for Tentative Tract Map No. 38621, Master Plot Plan PEN21-0273, five (5) Plot Plans, three (3) Conditional Use Permits, for the development of an approximately 8.51 gross acre commercial center. The Proposed Project includes the following: an 8-pump gas station with a convenience store, an express car wash, three (3) fast food restaurants with drive-throughs, a sit-down restaurant with a patio, a bank building with a drive-through, two (2) office buildings, and two (2) retail buildings, along with associated parking, landscaping and improvements. The Proposed Project is located on the northwest corner of Alessandro Boulevard, and Lasselle Street, within the Corridor Mixed Use (COMU) District.

PROJECT DESCRIPTION

Proposed Project

Tentative Tract Map

Tentative Tract Map No. 38621 is proposed to subdivide the existing 8.51 gross acre parcel (APN: 479-631-010) into eight (8) parcels to allow for the sale/leasing of the proposed buildings.

The Corridor Mixed Use (COMU) District Municipal Code development standards require that new parcels be a minimum size of 10,000 square feet and have a minimum lot depth and width of 100 feet. All eight (8) proposed lots exceed the minimum requirements.

Master Plot Plan

The Proposed Project consists of a Master Plot Plan application for the development of an approximately 8.51 gross acre Commercial Center with eight buildings totaling approximately 45,680 square feet. The Project Site is located on the northwest corner of Alessandro Boulevard, and Lasselle Street. The proposed commercial center

includes an 8-pump gas station with a convenience store, an express car wash, three (3) fast food restaurants with drive-throughs, a sit-down restaurant with a patio, a bank building with a drive-through, two (2) office buildings, and two (2) retail buildings, along with associated parking, landscaping, and improvements.

All on-site and off-site improvements, including landscaping, are conditioned to be completed prior to occupancy of the first building.

Plot Plans

The Proposed Project consists of five (5) Plot Plans: PEN19-0041 for an express car wash (3,850 SF); PEN19-0042 for Office Building A (4,950 SF); PEN19-0043 for Office Building B (4,950 SF); PEN20-0204 for the sit-down restaurant (5,500 SF) with an outdoor patio (1,750 SF); and PEN20-0205 for the bank building (3,775 SF).

Conditional Use Permits

The Proposed Project consists of three (3) Conditional Use Permits: PEN19-0044 for an 8-pump fuel station, convenience store (3,825 SF) and fast food restaurant space with drive-through (1,600 SF); PEN19-0045 for Building A Retail (1,600 SF)/Fast Food with Drive-through (3,320 SF); and PEN20-203 for Building B Retail (1,600 SF)/Fast Food with Drive-through (3,320 SF).

The City's Municipal Code allows for auto service stations and restaurants with drive-throughs within the Corridor Mixed Use (COMU) District, subject to the approval of a Conditional Use Permit when located within 300 feet or less of existing residences or a residential zoning district.

A Conditional Use Permit allows the City to impose special development requirements to ensure that certain uses will not be detrimental to the public health, safety, general welfare.

Staff has reviewed the Proposed Project and found that the following project design elements that will minimize the impacts on residential uses:

- A. A six-foot high decorative block wall is required along the westerly property line between the Project Site and the residences.
- B. All setback requirements have been met in the Master Plot Plan.

Site and Surrounding Area

The Project Site is currently vacant and unimproved and located on the northwest corner of Alessandro Boulevard and Lasselle Street. The parcels directly to the north of the Project Site are existing single-family homes within the Residential 5 (R5) District. Parcels west of the Project Site are a mix of existing single-family homes within the Residential 5 (R5) District, and one vacant parcel within the Corridor Mixed Use (COMU) District. Located east of the Project Site is a vacant parcel and a residential

tract development under construction both within the Downtown Center (DC) District. Located south of the Project Site is vacant land that has recently been entitled for the 192-unit Crystal Cove multifamily development within the Corridor Mixed Use (COMU) District.

Access/Parking

Proposed Project access is provided from two (2) driveways off Alessandro Boulevard and one (1) driveway off Lasselle Street. The two (2) driveways on Alessandro Boulevard are right-in and right-out. The one (1) driveway on Lasselle Street is full access. The Proposed Project's central drive lanes bisect the site north-south and east-west and additional drive lanes will provide access throughout the site. Pedestrian walkways are also provided throughout the Project Site.

The Proposed Project includes 270 parking spaces, consistent with Municipal Code requirements.

Design/Landscaping

The Proposed Project includes eight (8) one-story commercial buildings. The buildings have a maximum height of 28 feet associated with the architectural tower elements.

The proposed flat roof building elevations present a modern-influenced architectural style. The exterior finishes include stucco, panels, and fiber cement siding in earth-tone colors. Tower elements, various wall finishes with different wall planes, and decorative window awnings break up the massing and add focal points to the buildings. The carwash canopies are constructed with metal roofs for durability and keeping with the modern architectural style.

The Proposed Project, as designed, conforms to all development standards of the Corridor Mixed Use (COMU) District and the design guidelines for commercial developments prescribed in the City's Municipal Code and City Landscape Standards.

The landscape elements of the Proposed Project include the landscape setback areas along Alessandro Boulevard, Lasselle Street, and Timo Street; and the parking lot landscape, street trees, and landscape treatments around the perimeter of the Project Site.

REVIEW PROCESS

As part of the standard review process, all appropriate outside agencies have considered the Proposed Project. The Proposed Project was reviewed by the Project Review Staff Committee as required by the Municipal Code. Following subsequent revisions and staff review, the project was deemed complete.

ENVIRONMENTAL

An Initial Study was prepared by Mathew Fagan Consulting Services, Inc. in compliance with the California Environmental Quality Act (CEQA) and its guidelines. The Initial Study examined the potential impacts of the proposed project on the environment. The Initial Study/Mitigated Negative Declaration (IS/MND) serves as the appropriate CEQA documentation for the Proposed Project. With the implementation of the proposed mitigation measures, the Proposed Project will not have a significant effect on the environment. Technical studies prepared in support of the IS/MND include the following: Air Quality Impact Analysis, MSHCP Compliance Analysis and Focused Habitat Assessment for the Burrowing Owl, MSHCP Burrowing Owl Focused Survey Report, Phase I Cultural Resources Survey, Energy Technical Memorandum, Preliminary Geotechnical Investigation Report, Paleontological Assessment, Greenhouse Gas Analysis, Phase I Environmental Site Assessment, Preliminary Hydrology Study, Project Specific Water Quality Management Plan, Noise Impact Analysis, Focused Traffic Impact Study, Utilities and Service Systems Study, and Infiltration Report. Copies of the appendices to the IS/MND can be accessed from the link attached to this staff report. The documents can be reviewed at City Hall during operating hours.

Mitigation measures are recommended for the Proposed Project in the following areas: Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Geology and Soils, and Hazards and Hazardous Materials all of which are incorporated into the Mitigation Monitoring and Report Program (MMRP). The measures for cultural resources have been included to address input from the Tribal governments. The measures are intended to ensure that potential resources that might be discovered are protected. However, these measures are not required to address a known significant impact. Based on the Initial Study and with the implementation of the proposed mitigation measures, the Proposed Project will not cause any significant impacts to the environment.

The public comment period for the Notice of Availability of the Initial Study/Mitigated Negative Declaration began on May 10, 2023, and ended on June 9, 2023, (State Clearing House Number 2023050246) which satisfies the required 30-day review period required for this project. As of the preparation of this staff report, comments have been received from Riverside Transit Agency and Eastern Municipal Water District. Riverside Transit Agency provided a response email with no additional recommendations and Eastern Municipal Water District provided a comments letter, both responses are attached to the Staff Report. Written comments received after the preparation of this staff report will be provided at the public hearing.

NOTIFICATION

Consistent with the City Municipal Code provisions, public notice was sent to all property owners of record within 600 feet of the project site, posted on the Project Site, and published in the Press Enterprise Newspaper. No public comments have been received regarding the Proposed Project.

REVIEW AGENCY COMMENTS

Staff has coordinated with outside agencies where applicable, as is the standard review process for these development applications.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

A. ADOPT Resolution No. 2023-27, attached hereto, and thereby:

1. **ADOPTING** the Initial Study/Mitigated Negative Declaration prepared for Tentative Tract Map No. 38621 (PEN19-0039), Master Plot Plan (PEN21-0273), Plot Plans (PEN21-0273, PEN19-0041, PEN19-0042, PEN19-0043, PEN20-0204, PEN20-0205), and Conditional Use Permits (PEN19-0044, PEN19-0045, PEN20-0203) 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 Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts; and
2. **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the proposed project, which consists of Tentative Tract Map No. 38621 (PEN19-0039), Master Plot Plan (PEN21-0273), Plot Plans (PEN21-0273, PEN19-0041, PEN19-0042, PEN19-0043, PEN20-0204, PEN20-0205), and Conditional Use Permits (PEN19-0044, PEN19-0045, PEN20-0203) pursuant to CEQA and the CEQA Guidelines.

B. ADOPT Resolution No. 2023-28, attached hereto, and thereby:

1. **APPROVING** five (5) Plot Plans (PEN21-0273, PEN19-0041, PEN19-0042, PEN19-0043, PEN20-0204, PEN20-0205) and three (3) Conditional Use Permits (PEN19-0044, PEN19-0045, PEN20-0203) based on the recitals, evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-28.

C. ADOPT Resolution No. 2023-29, attached hereto, and thereby:

1. **APPROVING** Tentative Tract Map No. 38621 (PEN19-0039) based on the recitals, evidence contained in the administrative records and findings as set forth in Resolution No. 2023-29.

Prepared by:
Gabriel Diaz
Associate Planner

Approved by:
Sean P. Kelleher
Acting Community Development Director

ATTACHMENTS



To view large attachments, please click your “bookmarks” on the left hand side of this document for the necessary attachment.

1. Resolution No. 2023-27 IS/MND
2. Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program
3. Appendix A - Air Quality Impact Analysis
4. Appendix B1 - MSHCP Analysis and Habitat Assessment
5. Appendix B2 - Focused Burrowing Owl Survey
6. Appendix C - Phase I Cultural Survey
7. Appendix D - Energy Memorandum
8. Appendix E - Preliminary Geotechnical Report
9. Appendix F - Paleontological Assessment
10. Appendix G - Greenhouse Gas Analysis
11. Appendix H - Phase I Environmental Site Assessment
12. Appendix I1 - Preliminary Hydrology Report
13. Appendix I2 - Water Quality Management Plan
14. Appendix J - Noise Analysis
15. Appendix K - Traffic Impact Study
16. Appendix L - Utilities Study
17. Appendix M - Project Plans
18. Appendix N - Infiltration Report
19. Exhibit B to Resolution No. 2023-27 Notice of Intent to Adopt a Mitigated Negative Declaration
20. Resolution No. 2023-28 Plot Plans & Conditional Use Permits
21. Resolution No. 2023-29 Tentative Tract Map 38621
22. Project Plans
23. Zoning Map
24. Environmental Comments Letters

RESOLUTION NUMBER 2023-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE NORTHWEST COMMERCIAL CENTER INCLUDING A MASTER PLOT PLAN (PEN21-0273), PLOT PLANS (PEN19-0041, PEN19-0042, PEN19-0043, PEN20-0204, PEN20-0205), CONDITIONAL USE PERMITS (PEN19-0044, PEN19-0045, PEN20-0203), AND TENTATIVE TRACT MAP NO. 38621 (PEN19-0039) LOCATED ON THE NORTHWEST CORNER OF ALESSANDRO BOULEVARD AND LASSELLE STREET, (APN: 479-631-010)

WHEREAS, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California, and the lead agency for the preparation and consideration of environmental documents for local projects that are subject to requirements of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines²; and

WHEREAS, Northwest Moreno Properties, LLC. (“Applicant”) has submitted applications for a Master Plot Plan (PEN21-0273), Plot Plans (PEN19-0041, PEN19-0042, PEN19-0043, PEN20-0204, PEN20-0205), Conditional Use Permits (PEN19-0044, PEN19-0045, PEN20-0203), and Tentative Tract Map No. 38621 (PEN19-0039) for an approximately 8.51 gross acre commercial center with associated public improvements (“Proposed Project”) located on the northwest corner of Alessandro Boulevard and Lasselle Street (APN: 479-631-010) (“Project Site”); and

WHEREAS, Planning Division Staff completed an Initial Study (environmental assessment) for the Proposed Project and based on the environmental assessment, recommend adoption of a Mitigated Negative Declaration (“MND”) and a Mitigation Monitoring and Reporting Program (“MMRP”) in accordance with Section 6 (ND Procedures) of the City’s Rules and Procedures for the Implementation of the California Environmental Quality Act and the requirements of CEQA the CEQA Guidelines Sections 15070 – 15075; and

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was duly noticed and circulated for public review for a period of 30 days commencing on May 10, 2023, through June 9, 2023; and

WHEREAS, in compliance with CEQA and the CEQA Guidelines, a MMRP, which is a program for monitoring and reporting on the Proposed Project’s mitigation measures was prepared for the Proposed Project and circulated with the MND; and

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

WHEREAS, on June 22, 2023, a duly noticed public hearing was conducted by the Planning Commission to consider the approval of the Proposed Project's MND and MMRP and approval of the Proposed Project; and

WHEREAS, at the conclusion of the public hearing, in the exercise of its own independent judgment, the Planning Commission determined that the MND and the MMRP prepared for the Proposed Project has reduced the potential impact of the Proposed Project to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will significantly affect the environment in a manner that otherwise would require the preparation and certification of an Environmental Impact Report.

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. Evidence

That the Planning Commission has considered all of the evidence submitted into the Administrative Record for the MND and MMRP, including, but not limited to, the following:

- (a) Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Proposed Project, attached hereto as Exhibit A;
- (b) Notice of Intent to Adopt a Mitigated Negative Declaration, attached hereto as Exhibit B;
- (c) 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; and
- (d) Testimony, comments, and correspondence from all persons that were provided at, or prior to, the public hearing.

Section 3. Findings

That based on the content of the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission makes the following findings:

- (a) That all environmental impacts of the Proposed Project, with the mitigation measures set forth in the MMRP, have been reduced to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will have a significant effect on the

- environment that would otherwise require the preparation and certification of an Environmental Impact Report;
- (b) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been completed in compliance with CEQA and the CEQA Guidelines and are consistent with the City’s Rules and Procedures for the Implementation of the California Environmental Quality Act;
- (c) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program represent the independent judgment and analysis of the Planning Commission and the City as the lead agency for the Proposed Project; and
- (d) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are adequate to serve as the required CEQA environmental documentation for the Proposed Project.

Section 4. Adoption

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby adopts the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program attached hereto as Exhibit A.

Section 5. 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 6. 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 7. Effective Date

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

Section 8. Certification

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Attachment: Resolution No. 2023-27 IS/MND [Revision 8] (6279 : PEN21-0273 Master Plot Plan)

PASSED AND ADOPTED THIS 22nd DAY OF JUNE, 2023.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette,
Chairperson

ATTEST:

Sean Kelleher,
Acting Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibits:

Exhibit A: Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Exhibit B: Notice of Intent to Adopt a Mitigated Negative Declaration

Attachment: Resolution No. 2023-27 IS/MND [Revision 8] (6279 : PEN21-0273 Master Plot Plan)

Exhibit A

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM**

Attachment: Resolution No. 2023-27 IS/MND [Revision 8] (6279 : PEN21-0273 Master Plot Plan)

Exhibit B

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Attachment: Resolution No. 2023-27 IS/MND [Revision 8] (6279 : PEN21-0273 Master Plot Plan)



CITY OF MORENO VALLEY

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR NORTHWEST COMMERCIAL CENTER

PEN21-0273, PEN19-0041, PEN19-0042, PEN19-0043, PEN19-0044, PEN19-0045, PEN20-0203, PEN20-0204, PEN20-0205, and PEN19-0039

Lead Agency
CITY OF MORENO VALLEY
14177 Frederick Street
Moreno Valley, CA 92552

Prepared By
Matthew Fagan, Owner
Matthew Fagan Consulting Services, Inc.
42011 Avenida Vista Ladera
Temecula, CA 92591
951-265-5428
Matthewfagan@roadrunner.com

May 2023



MITIGATED NEGATIVE DECLARATION

NORTHWEST COMMERCIAL CENTER

Project Description:

- Automobile Gas Station with 8 pumps (16 fueling positions) under a 5,640 square foot (sq. ft.) canopy
- Convenience Store 3,825 sq. ft. includes:
 - Attached 1,600 sq. ft. Quick Serve Restaurant with Drive-Through
- Express Carwash 3,850 sq. ft.
- Two 3,320 sq. ft. Fast Food Restaurants with Drive-Through (6,640 sq. ft. total)
- 5,500 sq. ft. Sit Down Restaurant with 1,750 sq. ft. Patio (7,250 sq. ft. total)
- Two 4,950 sq. ft. Office buildings (9,900 sq. ft. total)
- Two 1,600 sq. ft. Retail buildings (3,200 sq. ft. total)
- 3,775 sq. ft. Bank Building with Drive-Through

Project Location:

Northwest corner of Alessandro Boulevard and Lasselle Street, City of Moreno Valley, County of Riverside, California. United States Geographic Survey (USGS) 7.5-minute Sunnymead Quadrangle, California in Township 3 South Range 3 West Section 8 Southeast. Assessor's Parcel Number 479-631-010. Reference ***Project Location Map***.

Project Proponent:

Northwest Moreno Prop

3017 Edinger Avenue

Tustin, CA 92780

Findings:

It is hereby determined that, based on the information contained in the attached Initial Study/MND, the project would not have a significant adverse effect on the environment.

Mitigation Measures:

No.	Mitigation Measure
MM-AQ-1	During the site preparation phase, construction equipment, the construction contractor shall ensure that off-road diesel construction equipment greater than 150 horsepower (hp) complies with Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications.

No.	Mitigation Measure
MM-BIO-1	<p>Pre-construction surveys for BUOW shall be conducted within 30 days prior to commencement of project-related ground disturbance to verify that BUOW remain absent from the project Area.</p> <p>If burrowing owl are discovered within the project footprint, a project specific BUOW protection and/or passive relocation plan shall be prepared to determine suitable buffers and/or artificial burrow construction locations to minimize impacts to this species. If BUOW is found on-site at the time of construction, all activities likely to affect the animal(s) shall cease immediately and regulatory agencies shall be contacted to determine appropriate management actions.</p>
MM-BIO-2	<p>The State of California prohibits the “take” of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the State identified nesting season (typically February 1 through September 1). Alternatively, nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair’s behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.</p>
MM-CUL-1	<p>Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s), including the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP as defined in MM-CUL-3. The Project archaeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.</p>
MM-CUL-2	<p>Prior to the issuance of a grading permit, the Developer shall secure agreements with the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, for tribal monitoring. The Developer is also required to provide a minimum of 30 days’ advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.</p>

No.	Mitigation Measure
MM-CUL-3	<p>The Project Archaeologist, in consultation with the Consulting Tribe(s), including the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:</p> <ul style="list-style-type: none"> a. Project description and location; b. Project grading and development scheduling; c. Roles and responsibilities of individuals on the Project; d. The pre-grading meeting and Cultural Resources Worker Sensitivity Training details; e. The protocols and stipulations that the contractor, City, Consulting Tribe (s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation; f. The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items; and g. Contact information of relevant individuals for the Project.
MM-CUL-4	<p>In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <ul style="list-style-type: none"> a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department: <ul style="list-style-type: none"> i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources. ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure MM-CUL-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in MM-CUL-3 The location for the future reburial area shall be identified on a confidential exhibit on file with the City and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document. <p>The City shall verify that the following note is included on the Grading Plan: “If any suspected archaeological resources are discovered during ground –disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find.”</p>

No.	Mitigation Measure
MM-CUL-5	If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archaeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in MM-CUL-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archaeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.
MM-CUL-6	If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant". The "most likely descendant" shall then make recommendations and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).
MM-CUL-7	It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r)., parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).
MM-CUL-8	Prior to final inspection, the developer/permit holder shall prompt the Project Archaeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).
MM-GEO-1	Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. Where covering is not possible, measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the project site for future cleanup such that erosion does not occur.
MM-GEO-2	All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the project is being constructed.
MM-GEO-3	Based upon the <i>Geotechnical Investigation</i> , all of the recommended design parameters identified (pp. 6-20) shall be implemented by the Applicant. Implementation of these specific measures will address all of the identified geotechnical constraints identified at project site, including remediation to address subsidence.

MM-GEO-4

Monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources by a qualified paleontologist or paleontological monitor. Full-time monitoring will be conducted in areas of grading or excavation in undisturbed, very old alluvial fan sediments, starting at a depth of five feet below the surface. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified paleontological personnel to have a low potential to contain or yield fossil resources.

Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils are collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes are taken on the map location and stratigraphy of the site, and the site is photographed before it is vacated, and the fossils are removed to a safe place. On mass grading projects, any discovered fossil site is protected by red flagging to prevent it from being overrun by earthmovers (scrapers) before salvage begins. Fossils are collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld Global Positioning System units. If the site involves a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, Brian F. Smith and Associates, Inc. (BFSA) will send a fossil recovery crew in to excavate around the find, encase the find within a plaster jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment is solicited to help remove the jacket to a safe location before it is returned to the BFSA laboratory facility for preparation.

Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry-screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments. If present, as many as 20 to 40 five-gallon buckets of sediment can be collected and returned to a separate facility to wet-screen the sediment. In the laboratory, individual fossils are cleaned of extraneous matrix, any breaks are repaired, and the specimen, if needed, is stabilized by soaking in an archivally approved acrylic hardener (e.g., a solution of acetone and Paraloid B-72).

Preparation of recovered specimens to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.

Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (e.g., the Western Science Center, 2345 Searl Parkway, Hemet, California 92543). The paleontological program should include a written repository agreement prior to the initiation of mitigation activities.

Preparation of a final monitoring and mitigation report of findings and significance, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location. The report, when submitted to the appropriate lead agency (City of Moreno Valley), will signify satisfactory completion of the project program to mitigate impacts to any paleontological resources.

Decisions regarding the intensity of the MMRP will be made by the project paleontologist based upon the significance of the paleontological resources and their biostratigraphic,

No.	Mitigation Measure
	biochronologic, paleoecologic, taphonomic, and taxonomic attributes, not upon the ability of a project proponent to fund the MMRP.
MM-HAZ-1	All spills or leakage of petroleum products during construction or operational activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility. This measure will be incorporated into the SWPPP prepared for the project development.

Attachments:

1. Location Map
2. Initial Study/MND
3. Mitigation Monitoring and Reporting Program

PROJECT LOCATION MAP



Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

TABLE OF CONTENTS

I.	BACKGROUND INFORMATION AND PROJECT DESCRIPTION	1
II.	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	17
III.	DETERMINATION	17
IV.	EVALUATION OF ENVIRONMENTAL IMPACTS	18
V.	ISSUES & SUPPORTING INFORMATION SOURCES.....	19
	1. AESTHETICS	19
	2. AGRICULTURE AND FOREST RESOURCES	25
	3. AIR QUALITY	27
	4. BIOLOGICAL RESOURCES	44
	5. CULTURAL RESOURCES	51
	6. ENERGY	59
	7. GEOLOGY AND SOILS.....	63
	8. GREENHOUSE GAS EMISSIONS.....	71
	9. HAZARDS AND HAZARDOUS MATERIALS	75
	10. HYDROLOGY AND WATER QUALITY	85
	11. LAND USE AND PLANNING	93
	12. MINERAL RESOURCES	97
	13. NOISE	98
	14. POPULATION AND HOUSING	109
	15. PUBLIC SERVICES	109
	16. RECREATION	112
	17. TRANSPORTATION.....	113
	18. TRIBAL CULTURAL RESOURCES	119
	19. UTILITIES AND SERVICE SYSTEMS	125
	20. WILDFIRE.....	131
	21. MANDATORY FINDINGS OF SIGNIFICANCE.....	134
VI.	MITIGATION MONITORING REPORTING PROGRAM.....	137

FIGURES

Figure 1 Regional Location Map	2
Figure 2 Vicinity Map.....	3
Figure 3 Existing General Plan Land Use Designations	5
Figure 4 Existing Zoning Classifications	6
Figure 5 Site Plan	9
Figure 6A Elevations (Convenience Store).....	11
Figure 6B Elevations (Car Wash & Gas Canopy).....	12
Figure 6C Elevations (Restaurants)	13
Figure 6D Elevations (Offices & Bank).....	14
Figure 1-1 Site Photos	24
Figure 3-1 Sensitive Receptor Locations.....	43

Figure 9-1 GEOTRACKER – 1 Mile Radius 81
 Figure 9-2 ENVIROSTOR – 1 Mile Radius 82
 Figure 9-3 Airport Land Use Compatibility Zone 83
 Figure 9-4 Fire Hazard Severity Zones 84

 Figure 10-1 Project Water Quality Plan 92

 Figure 13-1 Noise Monitoring Locations 108

TABLES

Table 1 Surrounding Land Uses 4

 Table 3-1 Ambient Air Quality Standard 28
 Table 3-2 Health Effects of Major Criteria Pollutants 31
 Table 3-3 Air Quality Monitoring Summary (2017-2019) 33
 Table 3-4 Construction Emission Impacts (Pounds/Day) 36
 Table 3-5 Operational Emission Impacts (Pounds/Day) 37
 Table 3-6 Construction LST Impacts (Pounds/Day) 39

 Table 6-1 Construction Equipment Fuel Consumption Estimates 60
 Table 6-2 Estimated Project Annual Transportation Energy Consumption 60

 Table 8-1 Amortized Annual Construction Emissions 72
 Table 8-2 Project GHG Emissions 73

 Table 11-1 General Plan Land Use Consistency Analysis 94

 Table 13-1 Municipal Code Noise Standards 99
 Table 13-2 Unmitigated Typical Construction Noise Level Compliance 101
 Table 13-3 Mitigated Typical Construction Noise Level Compliance 102
 Table 13-4 Operational Noise Level Compliance 102
 Table 13-5 Exterior Noise Levels (CNEL) 103
 Table 13-6 Caltrans Vibration Damage Potential Threshold Criteria 104
 Table 13-7 Vibration Source Levels For Construction Equipment 105
 Table 13-8 Construction Vibration Impact Analysis 106

 Table 18-1 CRS Local Native American Tribal Groups 120

APPENDICES (Separate Documents Provided Electronically)

Appendix A: *Moreno Valley Commercial Air Quality Impact Analysis, City of Moreno Valley*, prepared by Urban Crossroads, 10-14-2020

Appendix B1: *MSHCP Compliance Analysis and Focused Habitat Assessment for the Burrowing Owl*, prepared by Kelly Rios, 6-18-2018

Appendix B2: *MSHCP Burrowing Owl Focused Survey Report*, prepared by Kelly Rios, 4-11-2022 and 8-2-2018 (*BUOW Report*)

Appendix C: *Phase I Cultural Resources Survey for the Commercial Center Shell Gas Station Express Car Wash Office Building Project*, prepared by Brian F. Smith and Associates, Inc., 6-4-2020

Appendix D: *Energy Technical Memorandum for the Alessandro and Lasselle Commercial Center Project*, prepared by Rincon Consultants, Inc., 10-20-2020

Appendix E: *Revised Updated Preliminary Geotechnical Investigation Report, Proposed Commercial Development, PEN19-0039 Through PEN19-0045, Assessor's Parcel Number 479-631-010, Located at the Northwest Corner of Alessandro Boulevard and Lasselle Street, City of Moreno Valley, Riverside County, California*, prepared by Earth Strata Geotechnical Services, Inc. 1-8-2021

Appendix F: *Paleontological Assessment for the Commercial Center Shell Gas Station Express Car Wash Office Building Project*, prepared by Brian F. Smith and Associates, Inc., 6-4-2020

Appendix G: *Moreno Valley Commercial Greenhouse Gas Analysis, City of Moreno Valley*, Urban Crossroads, 10-14-2020

Appendix H: *Phase I Environmental Site Assessment of Undeveloped Property Assessor's Parcel Number 479-631-010 Moreno Valley, California 92553*, prepared by Earth Strata Geotechnical Services, 10-16-2020

Appendix I1: *Preliminary Hydrology Study for the Moreno Valley Commercial Center (Hydrology Study)*, prepared by Plump Engineering, Inc., 3-29-2022

Appendix I2: *Project Specific Water Quality Management Plan, Moreno Valley Commercial Center Development No: PEN19-0039, Design Review/Case No: LWQ19-0006 (WQMP)*, prepared by Plump Engineering, Inc., 7-27-2022

Appendix J: *Moreno Valley Commercial Noise Impact Analysis*, prepared by Urban Crossroads, Inc., 7-22-2021

Appendix K: *Focused Traffic Impact Study Update, New Commercial and Office Plaza, NWC of Alessandro Blvd. and Lasselle St., Moreno Valley (Traffic Report)*, prepared by K2 Traffic Engineering, Inc., 4-6-2021

Appendix L: *Alessandro and Lasselle Commercial center Utilities and Service Systems Study*, prepared by Rincon Consultants, Inc., 10-2020

Appendix M: *Project Plans* 12-2022

Appendix N: *Infiltration Testing for Water Quality Treatment Areas, Proposed Commercial Development, Northwest Corner of Alessandro Boulevard and Lasselle Street, City of Moreno Valley (Infiltration Report)*, prepared by Earth Strata Geotechnical Services, Inc., 6-4-2020

I. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

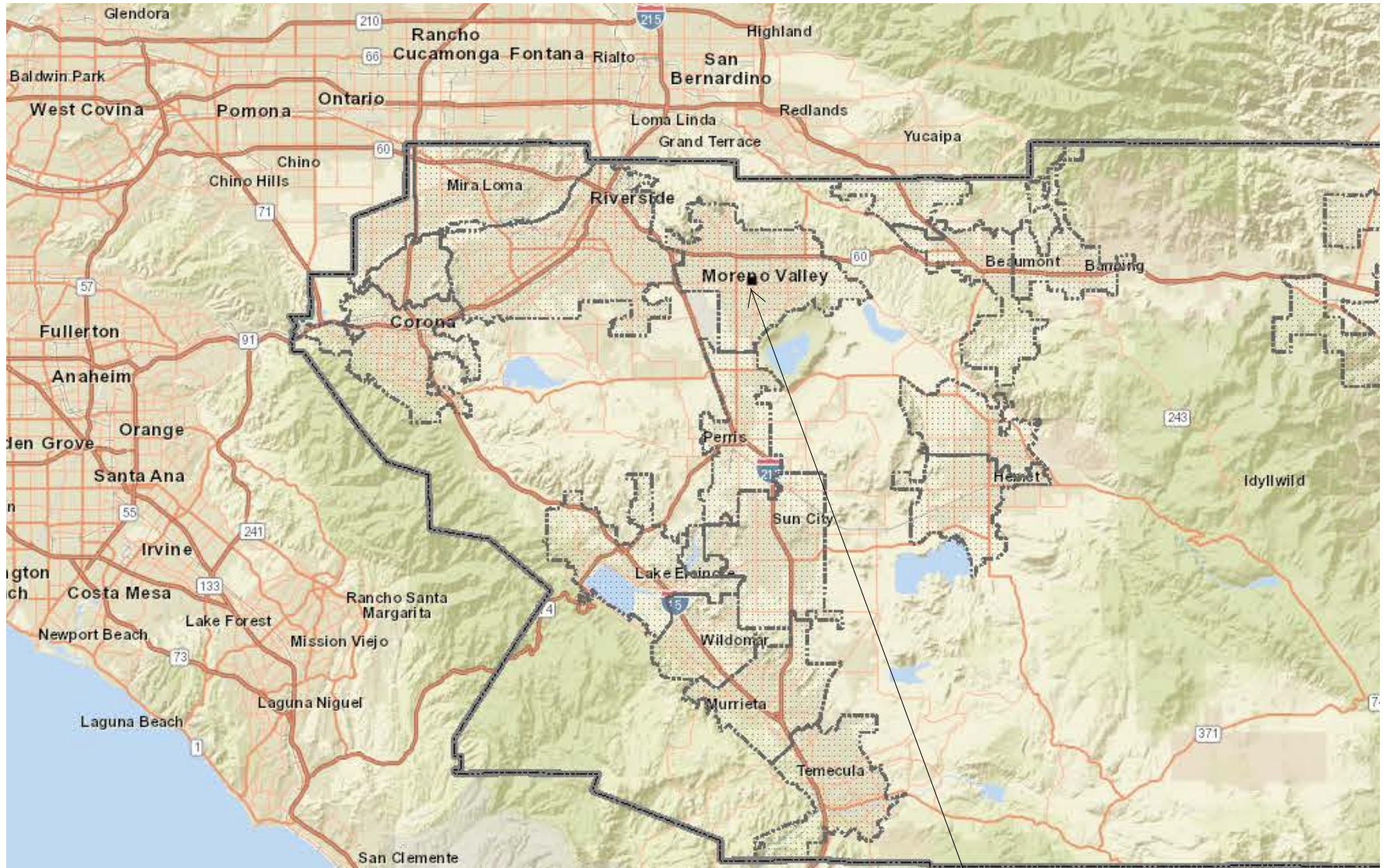
1. **Project Case Number(s):** PEN21-0273, Master Plot Plan; PEN19-0041, Plot Plan – Carwash; PEN19-0042, Plot Plan - Office Building A; PEN19-0043, Plot Plan - Office Building B PEN19-0044, Conditional Use Permit - Service Station with Convenience store and Drive-Through Restaurant; PEN19-0045, Conditional Use Permit - Retail/Drive-Through Building A; PEN20-0203, Conditional Use Permit - Retail/Drive-Through Building B; PEN20-0204, Plot Plan - Sit Down Restaurant; PEN20-0205, Plot Plan - Bank Building; and PEN19-0039, Tentative Parcel Map.
2. **Project Title:** Northwest Commercial Center
3. **Lead Agency:** City of Moreno Valley
Gabriel Diaz, Planning Department
14177 Frederick Street
Moreno Valley, CA 92552
(951) 413-3226
E-mail: planningnotices@moval.org
4. **Prepared By:** Matthew Fagan, Owner
Matthew Fagan Consulting Services, Inc.
42011 Avenida Vista Ladera
Temecula, CA 92591
951-265-5428
Matthewfagan@roadrunner.com
5. **Project Sponsor:**

Northwest Moreno Prop

3017 Edinger Avenue

Tustin, CA 92780
6. **Project Location:** Northwest corner of Alessandro Boulevard and Lasselle Street, City of Moreno Valley, County of Riverside, California. United States Geographic Survey (USGS) 7.5-minute Sunnymead Quadrangle, California in Township 3 South Range 3 West Section 8 Southeast. Assessor's Parcel Number 479-631-010. Reference **Figure 1, Regional Location Map** and **Figure 2, Vicinity Map**.

**FIGURE 1
REGIONAL LOCATION MAP**



SITE

Source: Map My County – https://gis.countyofriverside.us/Html5Viewer/?viewer=MMC_Public

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :



FIGURE 2
VICINITY MAP



Source: Project Plans – (Appendix M)

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

7. **General Plan Designation:** Corridor Mixed Use (COMU)

The Corridor Mixed Use designation includes a mix of residential, businesses, and public uses. Reference **Figure 3, Existing General Plan Land Use Designations**.

8. **Specific Plan Name and Designation:** N/A

9. **Existing Zoning:** Corridor Mixed Use (COMU)

The primary purpose of the COMU district is intended to create vibrant boulevards that are both a destination and a place where people can work and live. This will consist of buildings that emphasize street-oriented frontages, pedestrian-scaled buildings, creative use of open spaces and building design, and engaging, well-crafted areas for pedestrian activity such as plazas and walkways. The integration of residential and commercial uses into a mix of vertical and horizontal buildings will encourage businesses to relocate and establish a presence in Moreno Valley whereby pedestrians will work, live, shop and enjoy an array of entertainment experiences. The allowable residential density is 15-25 dwelling units per acre, and the maximum permitted floor-area-ratio (FAR) is 1.0.

The COMU district is generally located along Sunnymead Boulevard, Perris Boulevard, and Alessandro Boulevard.

Since the adoption of the latest General Plan update, all zoning designations and general plan land use designations are equivalent.

Reference **Figure 4, Existing Zoning Classifications**.

10. **Surrounding Land Uses and Setting:**

**Table 1
Surrounding Land Uses**

	Land Use	General Plan / Zoning
Project Site	Vacant	Corridor Mixed Use (COMU)
North	Single-Family Residential	Residential: Maximum 5 dwelling units per acre (du/ac)
South	Vacant	COMU
East	Residential Development Under Construction* and Vacant Land	Downtown Center (DC)
West	Single-Family Residential	Residential: Maximum 5 du/ac

*City case number PEN21-0136 is an approved, tentative tract map 38123

**FIGURE 3
EXISTING GENERAL PLAN LAND USE DESIGNATION**

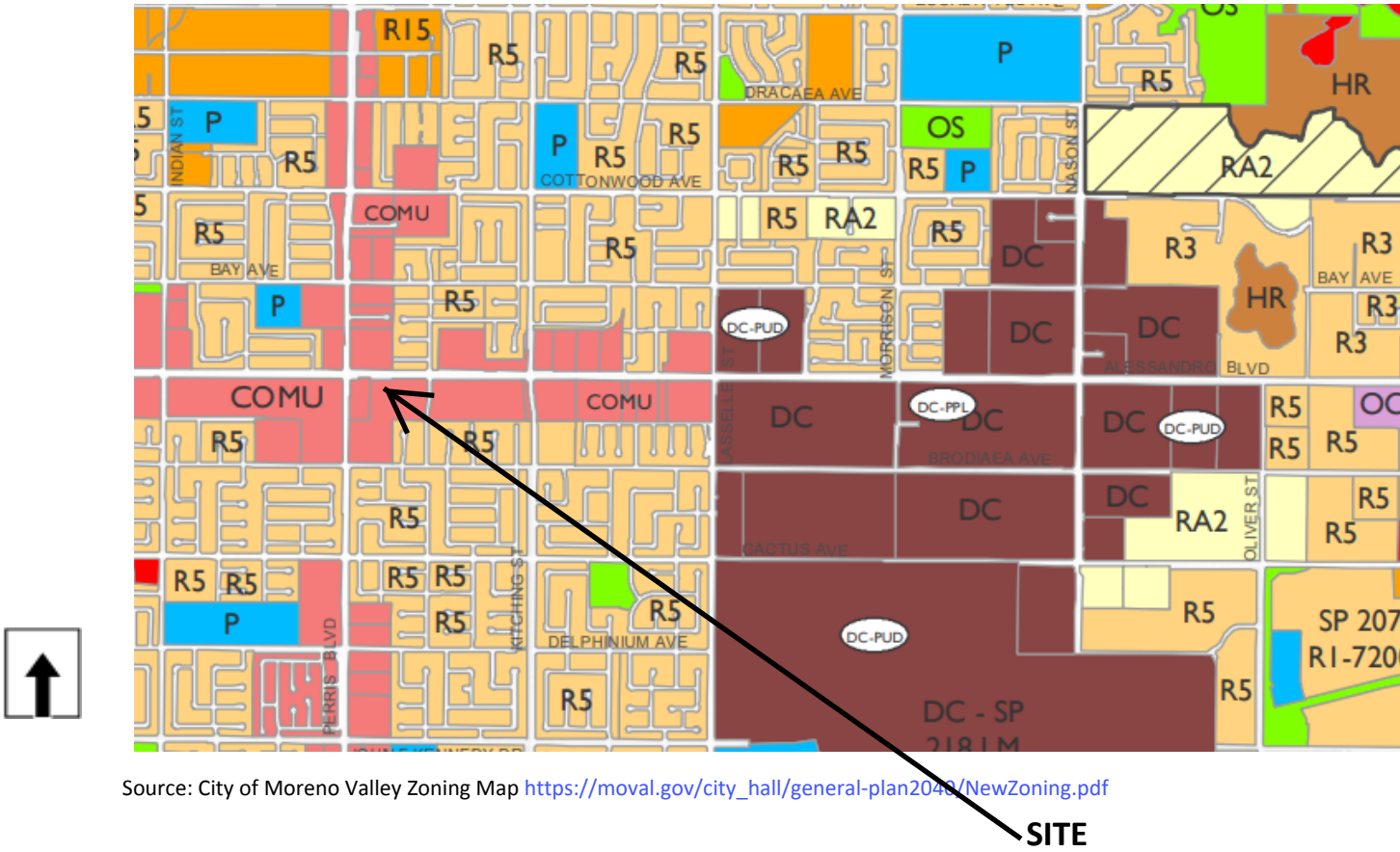


Source: City of Moreno Valley General Plan Land Use Map https://moval.gov/city_hall/general-plan2040/GP-LandUseMap.pdf

SITE

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

FIGURE 4
EXISTING ZONING CLASSIFICATION



Source: City of Moreno Valley Zoning Map https://moval.gov/city_hall/general-plan2040/NewZoning.pdf

- Zoning**
- Commercial
 - Center Mixed Use
 - Downtown Center
 - Corridor Mixed Use
 - Industrial/Business Park
 - Public Facilities
 - Highway Office/Commercial
 - Office
 - Business Flex
 - Large Lot Residential
 - Residential Agriculture 2 DU/AC
 - Residential 2 DU/AC
 - Suburban Residential
 - Multi-Family
 - Open Space/Park

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

11. Description of the Site and Project:

Environmental Setting

The Project site is currently undeveloped. Adjacent to the Project site to the north, east, and south are partially completed roadways (Timo Street to the north, Lasselle Street to the east, and Alessandro Boulevard to the south). Fully developed residential properties border the Project to the west, and north across from Timo Street. Undeveloped Mixed Use designated properties lie to the east and south across Lasselle Street and Alessandro Boulevard, respectively. Residential Tract 38123 is currently under construction to the east of the Project site.

The Project site is north of the Perris Reservoir in Moreno Valley, southeast of the Box Springs Mountains and southwest of the San Jacinto Mountains. The site is in western Riverside County which lies in the Peninsular Ranges Geologic Province of southern California which is dominated by northwest-southeast trending hills and valleys as well as major earthquake faults. The topography of the Project site is relatively flat, with an elevation of approximately 1,590 feet above mean sea level. A number of upland areas are visible from the Project area. The property has been disked and disturbed by past agricultural activities and appears to have been previously graded.

The City is within the Multiple Species Habitat Conservation Plan for western Riverside County, but the site supports only disturbed vegetation dominated by non-native weeds and grasses with no drainages or related resources. The Project lies outside of any lands targeted for conservation by the Western Riverside Multi-Species Habitat Conservation Plan (MSHCP).

There are no known geologic faults in the vicinity of the Project site. The region has been occupied by Native American tribal groups for thousands of years before European contact so buried archaeological resources may be present.

The region experiences poor air quality much of the year and the monitoring and management of air pollutant emissions is the responsibility of the South Coast Air Quality Management District and the California Air Resources Board.

The site contains no drainages and is not within an identified floodplain, and runoff from the site is collected by the City's storm drain system. There is no evidence the site contains any hazardous materials or represents any hazards to public health and safety. The site is zoned for Corridor Mixed Use (COMU) uses and has residential uses adjacent to the north, east, and west. The area experiences noise levels typical of suburban communities, mainly from vehicular sources. The City provides typical urban public services and utilities are provided by a number of private companies.

Project Description

The Project includes the following applications:

- PEN21-0273 Master Plot Plan
- PEN19-0041 Plot Plan - Carwash
- PEN19-0042 Plot Plan - Office Building A
- PEN19-0043 Plot Plan - Office Building B
- PEN19-0044 Conditional Use Permit - Service Station with Convenience store and Drive-Through Restaurant
- PEN19-0045 Conditional Use Permit - Retail/Drive-Through Building A

PEN20-0203 Conditional Use Permit - Retail/Drive-Through Building B
 PEN20-0204 Plot Plan - Sit Down Restaurant
 PEN20-0205 Plot Plan - Bank Building
 PEN19-0039 Tentative Parcel Map

The following discussion provides more detail on the Project:

PEN21-0273

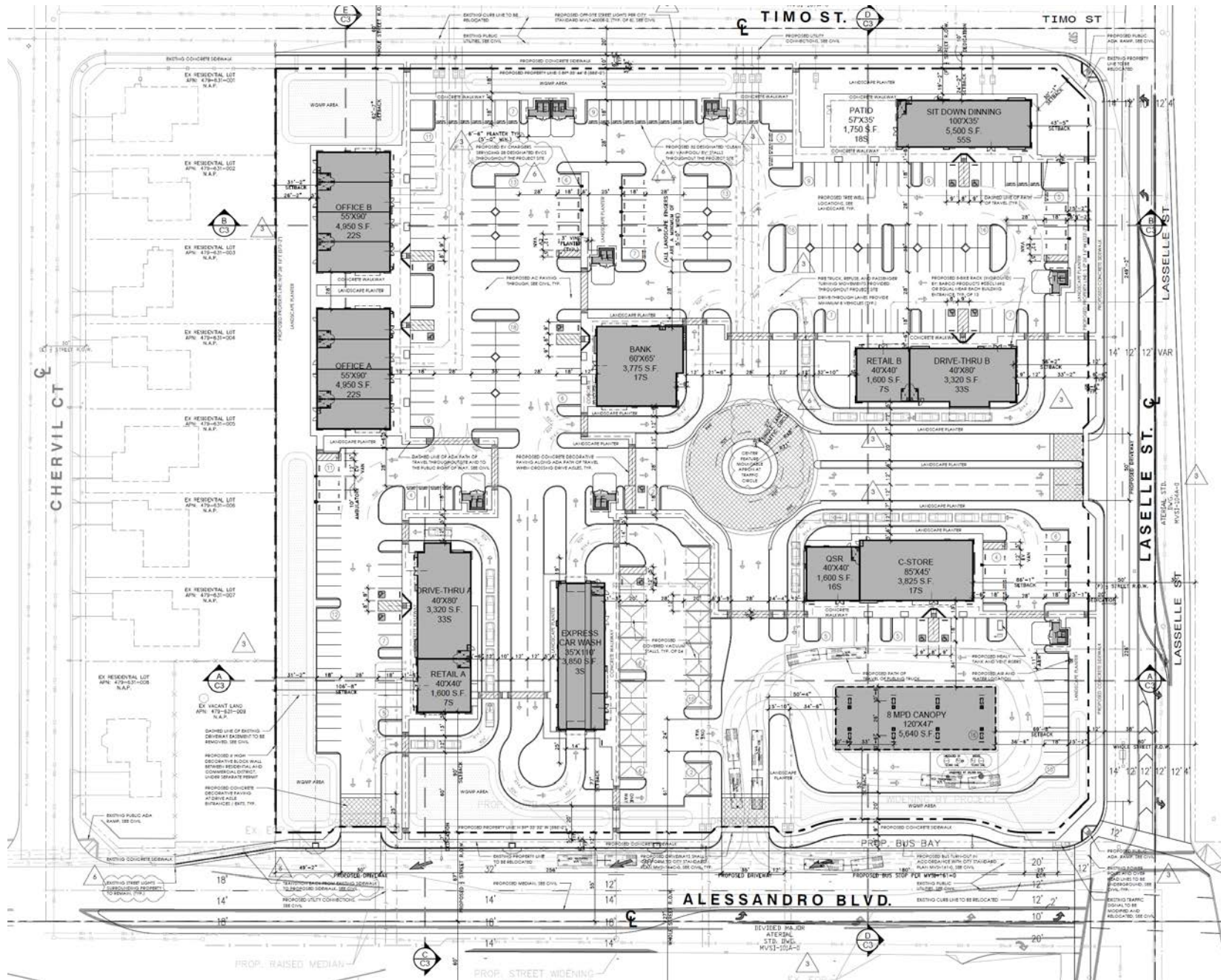
The Project site is described as the northwest corner of Alessandro Boulevard and Lasselle Street, which is approximately 8 acres, to be developed with commercial uses. PEN21-0273 proposes a commercial center with restaurant/drive-throughs, gas station with convenience store and quick service restaurant space with drive-through, sit down restaurant, bank with drive-thru, office and retail buildings, and an express car wash. Ingress and egress are provided to the site from two (2) driveways off of Alessandro Boulevard and one (1) driveway off of Lasselle Street. Reference **Figure 5, Site Plan**.

The uses consist of the following:

- Automobile Gas Station with 8 pumps (16 fueling positions) under a 5,640 square foot (sq. ft.) canopy
- Convenience Store 3,825 sq. ft. includes:
 - Attached 1,600 sq. ft. Quick Serve Restaurant with Drive-Through
- Express Carwash 3,850 sq. ft.
- Two 3,320 sq. ft. Fast Food Restaurants with Drive-Through (6,640 sq. ft. total)
- 5,500 sq. ft. Sit Down Restaurant with 1,750 sq. ft. Patio (7,250 sq. ft. total)
- Two 4,950 sq. ft. Office buildings (9,900 sq. ft. total)
- Two 1,600 sq. ft. Retail buildings (3,200 sq. ft. total)
- 3,775 sq. ft. Bank Building with Drive-Through

The City's Municipal Code requires 262 parking spaces for this Project. A total of 270 parking spaces are proposed within the Project, including 28 electric vehicle stalls, 13 ADA stalls, and 32 clean air vehicle stalls.

FIGURE 5
SITE PLAN



Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

Source: Project Plans – (Appendix M)

Building Architecture and Materials

There is a common architectural theme throughout the Project. This is reflected in the use of colors, materials, roof elements, massing, detailing, lighting, and architectural elements. Buildings will not exceed 30' in height.

As depicted on the following elevations, the Project will utilize earth tones for base, building, and accent colors. Material will be primarily stucco with fabric awnings and brick and stone veneers. Storefronts will be primarily glass. The design also includes landscaped metal wall trellises.

Reference **Figure 6A, Elevations (Convenience Store)**, **Figure 6B, Elevations (Car Wash & Gas Canopy)**, **Figure 6C, Elevations (Restaurants)**, and **Figure 6D, Elevations (Offices & Bank)**.

Access/Circulation

Site ingress and egress are provided to the site from two (2) driveways off of Alessandro Boulevard and one (1) driveway off of Lasselle Street.

The Project's central drive lanes bisect the site and connect the westerly and southerly access points. Additional drive lanes will provide access throughout the site. Pedestrian walkways are provided throughout the site. Reference **Figure 5, Site Plan**.

Landscaping

The Project will provide approximately 88,857 sq. ft. of landscape coverage on the Project site. All Project landscaping is subject to the requirements of the City of Moreno Valley Municipal Code.

Grading

The Project rough grading will involve approximately 5,709 cubic yards (CY) of cut and 4,623 CY of fill. Lot spoil dirt from building foundations, wall footings, driveways, and utilities will generate approximately 1,982 CY of Export.

When graded, the Project will range in elevation from a high of 1,595 at the northeast corner of the Project to a low elevation of 1,583 to the southwestern corner of the Project site. The average cut depth is 0' - 1.19' to facilitate the development of the Project. In order to accomplish this, onsite grades generated by the proposed Project will be collected and conveyed using a combination of surface flow, inlets, and four (4) infiltrations trenches. A catch basin filter insert is included as pre-treatment prior to discharging into the underground trenches. Ultimately, flows will discharge to Timo Street and Alessandro Avenue.

Off-site grading associated with street improvements for Timo Street, Lasselle Street, and Alessandro Avenue, will involve minor improvements including driveway entrances, new curb and gutter (cut or fill thicknesses less than 2'). Along Alessandro Avenue, will involve minor grading to include two drive aisle entrances. Drive aisle entrances are also to be installed at Timo Street and Lasselle Street. Overall earthwork volume is estimated to be 1,982 CY export.

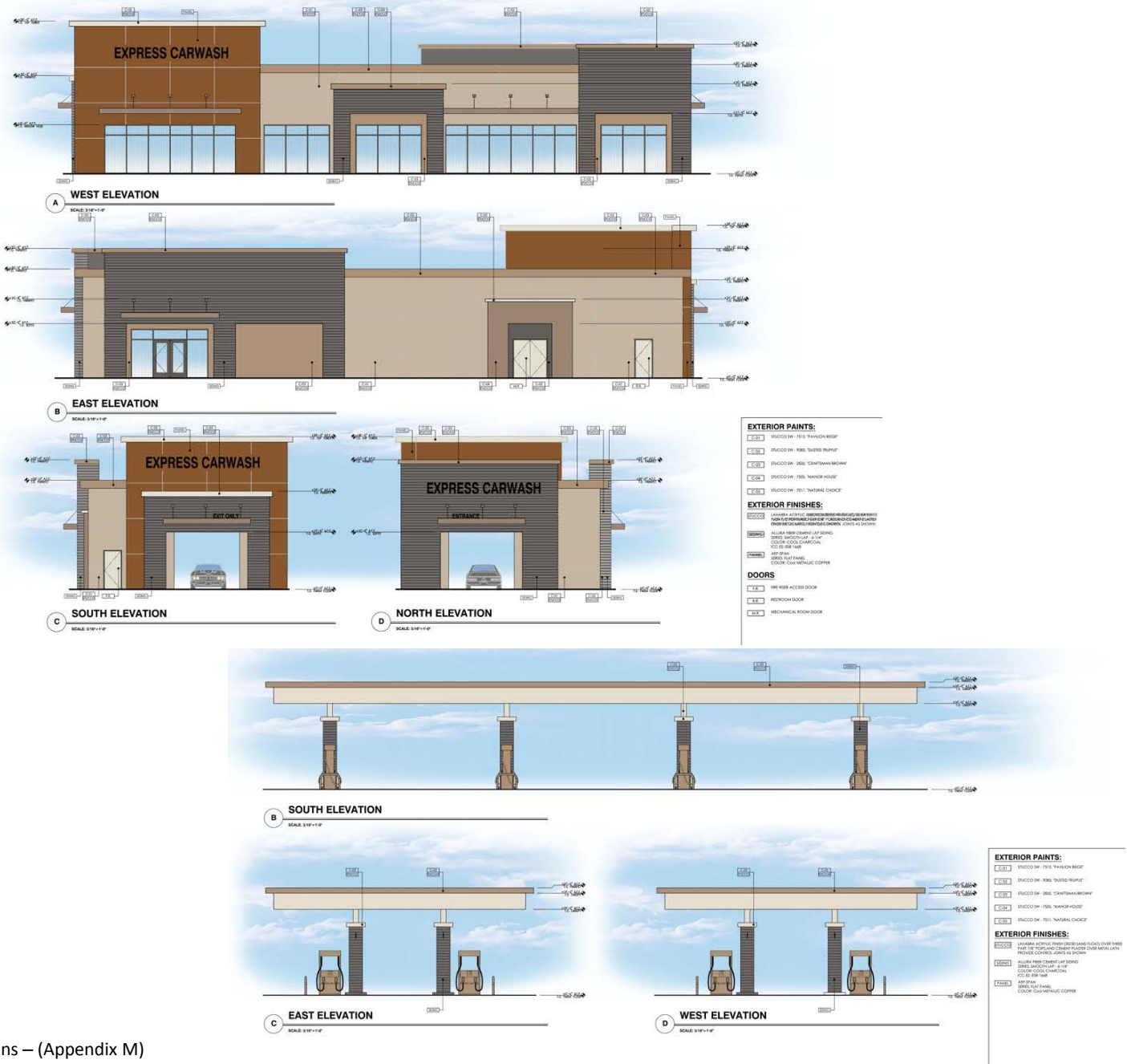
FIGURE 6A
ELEVATIONS (CONVENIENCE STORE)



Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

Source: Project Plans – (Appendix M)

**FIGURE 6B
ELEVATIONS (CAR WASH & GAS CANOPY)**



Source: Project Plans – (Appendix M)

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279) :

FIGURE 6C
ELEVATIONS (RESTAURANTS)



Drive Thrus and Retail



Sit Down Restaurant

Source: Project Plans – (Appendix M)

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

Drainage and Water Quality

In the WQMP, the site consists of two Drainage Management Areas (DMAs) for sizing of water quality treatment facilities. Onsite flows generated by the proposed Project will be collected and conveyed using a combination of surface flow, inlets, and sub-surface storm drains to proposed infiltration trenches. A catch basin filter insert is included as pre-treatment prior to discharging into the underground trenches. Ultimately, flows will discharge to Timo Street and Alessandro Avenues.

The Project includes minor off site improvement involving a new curb and gutter along the frontage on Timo Street, Lasselle Street, and Alessandro Avenue and three (3) drive aisle entrances (two on Alessandro Avenue, one on Lasselle Street).

- 12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

Yes, please see detailed information provided under Tribal Cultural Resources Section of this Initial Study/MND.

- 13. Other Agency Approval or Permits Required:**

South Coast Air Quality Management District (SCAQMD)

- 14. Commonly Used Acronyms:**

ADA -	American with Disabilities Act
ALUC -	Airport Land Use Commission
ALUCP -	Airport Land Use Compatibility Plan
AQMP -	Air Quality Management Plan
CEQA -	California Environmental Quality Act
CIWMD -	California Integrated Waste Management District
CMP -	Congestion Management Plan
DTSC -	Department of Toxic Substance Control
DWR -	Department of Water Resources
EIR -	Environmental Impact Report
EMWD -	Eastern Municipal Water District
EOP -	Emergency Operations Plan
FEMA -	Federal Emergency Management Agency
FMMP -	Farmland Mapping and Monitoring Program
GIS -	Geographic Information System
GHG -	Greenhouse Gas
GP -	General Plan
HCM	Highway Capacity Manual
HOA -	Home Owners' Association

IS -	Initial Study
LHMP -	Local Hazard Mitigation Plan
LOS -	Level of Service
LST -	Localized Significance Threshold
MARB -	March Air Reserve Base
MARB/IPA -	March Air Reserve Base/Inland Port Airport
MND	Mitigated Negative Declaration
MSHCP -	Multiple Species Habitat Conservation Plan
MVFP -	Moreno Valley Fire Department
MVPD -	Moreno Valley Police Department
MVUSD -	Moreno Valley Unified School District
MWD -	Metropolitan Water District
NCCP -	Natural Communities Conservation Plan
NPDES -	National Pollutant Discharge Elimination System
OEM -	Office of Emergency Services
OPR -	Office of Planning & Research, State
PEIR -	Program Environmental Impact Report
PW -	Public Works
RCEH -	Riverside County Environmental Health
RCFCWCD -	Riverside County Flood Control & Water Conservation District
RCP -	Regional Comprehensive Plan
RCTC -	Riverside County Transportation Commission
RCWMD -	Riverside County Waste Management District
RTA -	Riverside Transit Agency
RTIP -	Regional Transportation Improvement Plan
RTP -	Regional Transportation Plan
SAWPA -	Santa Ana Watershed Project Authority
SCAG -	Southern California Association of Governments
SCAQMD -	South Coast Air Quality Management District
SCE -	Southern California Edison
SCH -	State Clearinghouse
SKRHCP -	Stephens' Kangaroo Rat Habitat Conservation Plan
SWPPP -	Storm Water Pollution Prevention Plan
SWRCB -	State Water Resources Control Board
USFWS -	United States Fish and Wildlife
USGS -	United States Geologic Survey
VMT -	Vehicle Miles Traveled
VVUSD -	Valley Verde Unified School District
WQMP -	Water Quality Management Plan
WRCOG -	Western Riverside Council of Government

II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:


The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant With Mitigation Incorporated" as indicated by the checklist on the following pages.

- | | | | | | |
|-------------------------------------|-----------------------------|-------------------------------------|----------------------------------|-------------------------------------|------------------------------------|
| <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> | Agriculture & Forestry Resources | <input checked="" type="checkbox"/> | Air Quality |
| <input checked="" type="checkbox"/> | Biological Resources | <input checked="" type="checkbox"/> | Cultural Resources | <input type="checkbox"/> | Energy |
| <input checked="" type="checkbox"/> | Geology & Soils | <input type="checkbox"/> | Greenhouse Gas Emissions | <input checked="" type="checkbox"/> | Hazards & Hazardous Materials |
| <input type="checkbox"/> | Hydrology & Water Quality | <input type="checkbox"/> | Land Use & Planning | <input type="checkbox"/> | Mineral Resources |
| <input type="checkbox"/> | Noise | <input type="checkbox"/> | Population & Housing | <input type="checkbox"/> | Public Services |
| <input type="checkbox"/> | Recreation | <input type="checkbox"/> | Transportation | <input checked="" type="checkbox"/> | Tribal Cultural Resources |
| <input type="checkbox"/> | Utilities & Service Systems | <input type="checkbox"/> | Wildfire | <input checked="" type="checkbox"/> | Mandatory Findings of Significance |

III. DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

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



 Signature
 Gabriel Diaz, Associate Planner

 Printed Name

5/9/23

 Date
 City of Moreno Valley

 For

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

IV. EVALUATION OF ENVIRONMENTAL IMPACTS:

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

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

1. AESTHETICS – Except as provided in [Public Resources Code §21099](#) – Modernization of Transportation Analysis for Transit-Oriented Infill Projects – **Would the Project:**

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Public Resources Code Section 21099 addresses aesthetic impacts of “Modernization of Transportation Analysis for Transit-Oriented Infill Projects.” The Project does not meet any of the criteria of a transit-oriented development. Therefore, the provisions of Public Resources Code Section 21099 are not applicable to the evaluation of the Project’s aesthetic impacts (Thresholds 1.a through 1.d).

Response: *Less Than Significant Impact*

Scenic vistas can be impacted by development in two ways. First, a structure may be constructed that blocks the view of a vista. Second, the vista itself may be altered (e.g., development on a scenic hillside). The natural mountainous setting of the Menifee area is critical to its overall visual character and provides scenic vistas for the community.

Topography and a lack of dense vegetation or urban development offer scenic views throughout the City of Moreno Valley (City), including to and from hillside areas. Scenic features include gently sloping alluvial fans, rugged mountains and steep slopes, mountain peaks and ridges, rounded hills with boulder outcrops, farmland and open space. Scenic vistas provide views of these features from public spaces.

Many of the scenic resources are outside the City limits. Scenic views from the City in general include: the Badlands and the higher San Jacinto Mountains to the east; the San Bernardino Mountains (from higher elevations in the City) to the north-northeast; Mt. Russell and the uplands surrounding Lake Perris to the southeast; and the Box Springs Mountain area to the north and northwest.

Land uses surrounding the site are all existing residential development although there is a church and some deep residential lots south of the site across Cottonwood Avenue with truck and vehicle-related uses. Residential uses adjacent to the site are mainly large one-story residences although there are some two-story residences near the southeast corner of the site. Reference **Figure 1, Regional Location Map** and **Figure 2, Vicinity Map**, provided in Section I of this Initial Study/MND. The Project site is relatively flat with an average elevation of 1,590 feet above mean sea level (AMSL).

Table 1, Surrounding Land Uses, lists the different uses that are located immediately adjacent to the proposed Project site. Also, please reference **Figure 3, Existing and Proposed General Plan Land Use Designations**, and **Figure 4, Existing and Proposed Zoning Classifications**, provided in Section I of this Initial Study/MND.

The proposed commercial Project will have design elements and will be generally consistent with the surrounding development. The surrounding General Plan land use and zoning designations of the site and surrounding area are shown in the

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

previously referenced **Figure 3** and **Figure 4**. It should be noted the site has been designated for commercial development since at least 2006.

Views of the site from public areas (streets, sidewalks) are currently of vacant open land that is relatively flat, with surrounding existing residential development. The Project will change the visual character of the Project site by adding eight commercial buildings along with supporting parking and landscaping. The buildings will be distributed throughout the Project site as shown in **Figure 5, Site Plan**. Elevations of the proposed Project units are shown in the previous **Figures 6A, 6B, and 6C**, (Elevations), provided in Section I of this Initial Study/MND.

The Site Plan shows there will be eight commercial structures fairly evenly distributed throughout the site. This commercial Project will be the first on this intersection, although similar developments are expected to the east. The Project will also include associated street, utility, parking, and landscaping improvements.

The Project is located within an urbanizing portion of the City comprised of mainly residential uses, but which is also planned for future commercial developments along Alessandro Boulevard. This Project site is not considered to be within or to comprise a portion of a designated or identified scenic vista within the City.

With implementation of the Project as proposed, the proposed Project will not have adverse impact to a scenic vista. Impacts will be less than significant, and no mitigation is required.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?



Response: Less Than Significant Impact

There are no state-designated scenic highways in or near the City. However, State Route 60 (SR-60) which passes east-west through the northern part of the City is approximately a mile north of the site and is considered an “Eligible State Scenic Highway – Not Officially Designated” by the California Department of Transportation (*Caltrans 2021*). SR-60 is also a City-designated scenic route¹. However, the proposed Project would not be readily visible to travelers along the SR-60 Freeway, due to the sound wall on the south side of freeway, and existing developments that lie in between the freeway and the Project. Any views from the freeway would be extremely brief and difficult due to the distance and viewing angle to the site from the freeway, and the Project would not have substantially taller buildings than the surrounding neighborhoods (i.e., the entire Project area is urbanized).

The Project site is vacant and does not contain any buildings, including historic buildings, and there are no large trees on the site. Based on existing topography and the location and elevations of proposed uses, the Project site will not

¹ Chapter 7 – Conservation, City of Moreno Valley General Plan, July 11, 2006

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Impacts will be less than significant, and no mitigation is required.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Response: *Less Than Significant Impact*

As discussed in Sections 1.a and 1.b above, development of the proposed Project will change views of the site and views from surrounding developed areas. The surrounding area is fully urbanized with suburban residential uses and other supporting uses.

The Project site is designated for commercial development. Residential properties border the Project to the west, and north across from Timo Street. Undeveloped Mixed Use designated properties lie to the east and south across Lasselle Street and Alessandro Boulevard, respectively. Residential Tract 38123 is currently under construction to the east of the Project site.

Regarding long-term views, the proposed Project would convert approximately 8 acres of existing vacant land to commercial development in accordance with the City’s General Plan. As discussed in Section 1.b, the Project will not be visible to travelers on the 60 Freeway. The Project would be visible to drivers and pedestrians on Alessandro Boulevard and Lasselle Street proximate to the site. It should be noted that much of the Project area is already completely urbanized.

Various views of the proposed Project from different vantage points are provided in **Figure 1-1, Site Photos**. These renderings demonstrate that while the change in views will be substantial relative to the existing vacant land, the Project will be consistent with what is expected for this area.

In addition to long-term impacts, the construction phase of the Project would introduce the use of machinery such as excavators and bulldozers. The presence of the construction equipment, as well as the construction activities, would temporarily alter the visual character of the Project site. Construction staging areas, including earth stockpiling, storage of equipment and supplies, and related activities would contribute to its appearance as a disturbed site, which would be a short-term visual impact.

New development proposed as part of this Project would comply design guidelines and the development requirements of the Corridor Mixed Use (COMU) zone in the City Municipal Code where appropriate. Therefore, the Project will not substantially degrade the existing visual character or quality of public views of the site and its

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

urban surroundings. Impacts will be less than significant, and no mitigation is required.

D) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Response: *Less Than Significant Impact*

There are no sources of light on the Project site at present, but the surrounding area is completely suburbanized with many light sources from existing residential and other urban development.

Construction

New lighting sources will create additional short-term light and glare associated with construction activities. These additional artificial light sources are typically associated with security lighting since all exterior construction activities are limited to daylight hours in the City. Workers either arriving to the site before dawn, or leaving the site after dusk, will generate additional construction light sources. These impacts will be temporary, of short-duration, and will cease when Project construction is completed. For these reasons, and because there are limited numbers of construction workers, temporary light and glare impacts are considered less than significant.

Occupancy

Excessive or inappropriately directed lighting can adversely impact nighttime views by reducing the ability to see the night sky and stars. Glare can be caused from unshielded or misdirected lighting sources. Reflective surfaces (i.e., polished metal) can also cause glare. Impacts associated with glare range from simple nuisance to potentially dangerous situations (i.e., if glare is directed into the eyes of motorists). There are lighting sources adjacent to this site, including free-standing streetlights, light fixtures on buildings, vehicle headlights, traffic lights and streetlights.

The proposed Project will include outdoor lighting associated with security and safety of the residents and visitors. By design per the Municipal Code, lighting associated with the Project would not be directed towards any of the surrounding uses.

This portion of the City does not have relatively dark skies due to the intrusion of lights from many surrounding sources (e.g., houses, roadways, etc.). However, the City has a standard condition of approval (COA) requiring each tentative tract map and development plan to provide a photometric plan to help assure all future development will meet the City's "dark sky" requirements. The photometric plan shows that any light at the boundary of adjacent residential uses will be below 1.0 foot-candle so it will not negatively impact adjacent uses. In addition, another COA requires new construction to comply with the City's General Plan and Municipal Code requirements in terms of security and night lighting. These COAs are considered regulatory compliance and not unique mitigation under CEQA.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

The preceding demonstrates the Project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Any impacts will be less than significant with implementation of the City's standard COAs and Municipal Code requirements regarding outdoor lighting.

Mitigation Measures

No mitigation required.

Sources:

1. Moreno Valley General Plan, May 20, 2021 (April 2, 2021)
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Title 9 – Planning and Zoning, Moreno Valley Municipal Code
 - Chapter 9.08.100 – Lighting
 - Chapter 9.16 – Design Guidelines
 - Chapter 9.17.030 G – Heritage Trees
4. California Department of Transportation (Caltrans). Map of Scenic Highways <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>
5. Project Plans (**Appendix M**)

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

**FIGURE 1-1
SITE PHOTOS**



Aerial
View



View is at North West Corner of
Alessandro Blvd. and Lasselle
Street



North view off Alessandro Blvd.



West view off Lasselle Street

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2. AGRICULTURE AND FOREST RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.

Would the Project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

Response: No Impact

The Project site is in an urbanized area of the City of Moreno Valley in western Riverside County. According to the *Geo Update*, soils underlying the Project site are primarily comprised of Quaternary alluvial materials and Bedrock. Quaternary very old fan deposits were encountered to a maximum depth of 51.5 feet. These alluvial deposits consist predominately of interlayered yellowish brown to brown, fine to coarse grained silty sand and poorly graded sand with gravel. These deposits were generally noted to be in a slightly moist to moist, medium dense to dense state.

According to the Phase I ESA prepared for the Project, the subject property has never been residentially or commercially developed and the surrounding residential parcels were developed in the late 1980’s, prior to the surrounding residential development the property and surrounding area appears to have been dry farmed from the 1930’s to the late 1970’s. No dry cleaners, gasoline stations, major landfills, military bases, or heavy industrial businesses were identified on the subject property. Currently the site is disturbed undeveloped land with naturally occurring vegetation.

The California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) was established in 1982 to track changes in agricultural land use and to help preserve areas of Important Farmland. It divides the state’s land into eight categories based on soil quality and existing agricultural uses to produce maps and statistical data. These are used to help preserve productive farmland and to analyze impacts on farmland.

According to the FMMP website (“Important Farmland Finder”), the Project site is classified as “Urban and Built Up Land” and there are no prime or other designated Farmland in the immediate area. While the Project site and surrounding areas are not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Importance, there are some isolated areas of land designated as Prime Farmland or Unique Farmland in the general surrounding area, mainly east and northeast of the site along the SR-60 Freeway corridor in the more rural areas of the City (*FMMP 2021*).

Therefore, the proposed Project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance although there are isolated areas of designated Farmland in the general surrounding area. No impact will occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Response: No Impact

The Project site is zoned Corridor Mixed Use (COMU) and there are no agricultural or related zoning in the surrounding area (i.e., all are urban residential and related zones). No impact will occur. In addition, no Williamson Act contracts are active for the proposed Project site or on adjacent surrounding lands. Therefore, the Project will not conflict with a Williamson Act contract. No impact will occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in [Public Resources Code section 12220\(g\)](#)), timberland (as defined by [Public Resources Code section 4526](#)), or timberland zoned Timberland Production (as defined by [Government Code section 51104\(g\)](#))?

Response: No Impact

Public Resources Code Section 12220(g) identifies forest land as *land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits*. The Project site and surrounding properties are not currently defined or being managed or used as forest land as identified in Public Resources Code Section 12220(g). In addition, the Project site and surrounding area do not contain large numbers of trees that would constitute urban forestry or any forest-related resources (*GoogleEarth 2021*). Finally, the California Department of Forestry and Fire Protection (CALFIRE) website shows the Project site is not on the state’s inventory of forest land (*Calfire 2021*). Therefore, no impact will occur.

D) Result in the loss of forest land or conversion of forest land to non-forest use?

Response: No Impact

As discussed in Threshold 2.c, there is no forest land on or adjacent to the Project site. Therefore, there will be no loss of forest land or conversion of forest land to non-forest use as a result of the Project. No impacts will occur.

V. ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

e) Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

Response: No Impact

As discussed in Threshold 2.a, there are no designated Farmlands, agriculturally zoned lands, or current agricultural uses adjacent to the Project site. There are also no properties used exclusively for agriculture around the Project site. As discussed in Threshold 2.c, there is no forest land on or near the Project site. Therefore, the Project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use. No impact will occur.

Mitigation Measures

No mitigation is required.

Sources:

1. Moreno Valley 2040 General Plan, adopted June 15, 2021
2. Final Environmental Impact Report City of Moreno Valley 2040 General Plan, certified June 15, 2021
3. **Table 1, Surrounding Land Uses** and **Figure 3, Existing General Plan Land Use Designation**, provided in Section I of this Initial Study/MND
4. *Revised Updated Preliminary Geotechnical Investigation Report, Proposed Commercial Development, PEN19-0039 Through PEN19-0045, Assessor's Parcel Number 479-631-010, Located at the Northwest Corner of Alessandro Boulevard and Lasselle Street, City of Moreno Valley, Riverside County, California*, prepared by Earth Strata Geotechnical Services, 1-8-2021 (*Geo Report, Appendix E*)
5. *Phase I Environmental Site Assessment of Undeveloped Property Assessor's Parcel Number 479-631-010 Moreno Valley, California 92553*, prepared by Earth Strata Geotechnical Services, 10-16-2020 (*Phase I ESA, Appendix H*)
6. California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP). <https://maps.conservation.ca.gov/DLRP/CIFF/>
7. GoogleEarth <https://www.google.com/earth/>
8. California Department of Forestry and Fire Protection (Calfire), State Inventory of Forest Land <https://www.fire.ca.gov>

3. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. **Would the project:**

SUBSTANTIATION: An Air Quality Impact Analysis (AQIA) was prepared for the proposed project and is provided as **Appendix A** to this Initial Study/MND.

Note, any Tables or Figures provided in this Section are from the AQIA, unless otherwise noted.

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Background

The project is located in Moreno Valley. The climate of the Moreno Valley area, technically called an interior valley sub-climate of Southern California’s semi-arid climate, is characterized by warm summers, mild winters, infrequent rainfall, moderate afternoon breezes, and generally fair weather. The clouds and the fog that form along the region’s coastline rarely extend as far inland as the San Jacinto Valley, and if they do, they usually burn off quickly after sunrise. The most important weather pattern is associated with the warm season airflow across populated areas of the Los Angeles Basin that brings polluted air into western Riverside County late in the afternoon. This transport pattern creates unhealthy air quality when the fringes of this “urban smog cloud” extend to the project site during the summer months.

The ambient concentrations of air pollutants are determined by the amount of emissions released by sources and the atmosphere’s ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources.

Temperatures in Moreno Valley average a very comfortable 65°F year-round, with warm summer afternoons (95+ degrees) and often cool winter mornings (35 degrees). Rainfall in the project area can vary considerably in both time and space. Almost all the annual rainfall comes from the fringes of mid-latitude storms from late November to early April with summers often completely dry. Rainfall in the area averages 12.5 inches per year but varies markedly from one year to the next.

Because the State of California had established Ambient Air Quality Standards (AAQS) several years before the federal action and because of unique air quality problems introduced by the restrictive dispersion meteorology, there is considerable difference between state and national clean air standards. Those standards currently in effect in California and the nation are shown in **Table 3-1, Ambient Air Quality Standards**. Sources and health effects of various pollutants are shown in **Table 3-2, Health Effects of Major Criteria Pollutants**.

**Table 3-1
Ambient Air Quality Standards**

Pollutant	Average Time	California Standards ¹		National Standards ²		
		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷
Ozone (O ₃) ⁸	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet	-	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m ³)	Photometry			
Respirable	24 Hour	50 µg/m ³	Gravimetric or	150 µg/m ³	Same as	Inertial Separation

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Particulate Matter (PM₁₀)⁹	Annual Arithmetic Mean	20 µg/m ³	Beta Attenuation	–	Primary Standard	and Gravimetric Analysis	
	24 Hour	–	–	35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis	
Fine Particulate Matter (PM_{2.5})⁹	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	12.0 µg/m ³	15.0 µg/m ³		Non-Dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m ³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m ³)	–	Gas Phase Chemiluminescence	
Carbon Monoxide (CO)	8 Hour	9 ppm (10 mg/m ³)		9 ppm (10 mg/m ³)	–		Same as Primary Standard
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		–	–		
Nitrogen Dioxide (NO₂)¹⁰	1 Hour	0.18 ppm (339 µg/m ³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m ³)	–	Gas Phase Chemiluminescence	
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)		0.053 ppm (100 µg/m ³)	–		
Sulfur Dioxide (SO₂)¹¹	1 Hour	0.25 ppm (655 µg/m ³)	Ultraviolet Fluorescence	75 ppb (196 µg/m ³)	–	Ultraviolet Fluorescence; Spectrophotometry (Paraosaniline Method)	
	3 Hour	–		–	0.5 ppm (1300 µg/m ³)		
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (for certain areas) ¹¹	–		
	Annual Arithmetic Mean	–		0.030 ppm (for certain areas) ¹¹	–		
Lead^{12,13}	30-Day Average	1.5 µg/m ³	Atomic Absorption	–	–	–	
	Calendar Quarter	–		1.5 µg/m ³ (for certain areas) ¹²	Same as Primary Standard	High Volume Sampler	

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

	Rolling 3-Month Avg	-		0.15 µg/m ³		and Atomic Absorption
Visibility Reducing Particles¹⁴	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	No		
Sulfates	24 Hour	25 µg/m ³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Ultraviolet Fluorescence			
Vinyl Chloride¹²	24 Hour	b.5 ppm (26 µg/m ³)	Gas Chromatography			
				Federal Standards		

Footnotes

- California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter – PM₁₀, PM_{2.5}, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight-hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year, with a 24-hour average concentration above 150 µg/m³, is equal to or less than one. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.
- Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
- National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- Reference method as described by the EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the EPA.
- On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
- On December 14, 2012, the national PM_{2.5} primary standard was lowered from 15 µg/m³ to 12.0 µg/m³. The existing national 24-hour PM_{2.5} standards (primarily and secondary) were retained at 35 µg/m³, as was the annual secondary standard of 15 µg/m³. The existing 24-hour PM₁₀ standards (primarily and secondary) of 150 µg/m³ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
- To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

- that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- 14 In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

**Table 3-2
Health Effects of Major Criteria Pollutants**

Pollutants	Sources	Primary Effects
Carbon Monoxide (CO)	<ul style="list-style-type: none"> Incomplete combustion of fuels and other carbon-containing substances, such as motor exhaust. Natural events, such as decomposition of organic matter. 	<ul style="list-style-type: none"> Reduced tolerance for exercise. Impairment of mental function. Impairment of fetal development. Death at high levels of exposure. Aggravation of some heart diseases (angina).
Nitrogen Dioxide (NO ₂)	<ul style="list-style-type: none"> Motor vehicle exhaust. High temperature stationary combustion. Atmospheric reactions. 	<ul style="list-style-type: none"> Aggravation of respiratory illness. Reduced visibility. Reduced plant growth. Formation of acid rain.
Ozone (O ₃)	<ul style="list-style-type: none"> Atmospheric reaction of organic gases with nitrogen oxides in sunlight. 	<ul style="list-style-type: none"> Aggravation of respiratory and cardiovascular diseases. Irritation of eyes. Impairment of cardiopulmonary function. Plant leaf injury.
Lead (Pb)	<ul style="list-style-type: none"> Contaminated soil. 	<ul style="list-style-type: none"> Impairment of blood function and nerve construction. Behavioral and hearing problems in children.
Fine Particulate Matter (PM ₁₀)	<ul style="list-style-type: none"> Stationary combustion of solid fuels. Construction activities. Industrial processes. Atmospheric chemical reactions. 	<ul style="list-style-type: none"> Reduced lung function. Aggravation of the effects of gaseous pollutants. Aggravation of respiratory and cardio respiratory diseases. Increased cough and chest discomfort. Soiling. Reduced visibility.
Fine Particulate Matter (PM _{2.5})	<ul style="list-style-type: none"> Fuel combustion in motor vehicles, equipment, and industrial sources. Residential and agricultural burning. Industrial processes. Also, formed from photochemical reactions of other pollutants, including Nox, sulfur oxides, and organics. 	<ul style="list-style-type: none"> Increases respiratory disease. Lung damage. Cancer and premature death. Reduces visibility and results in surface soiling.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Sulfur (SO ₂)	Dioxide	<ul style="list-style-type: none"> • Combustion of sulfur-containing fossil fuels. • Smelting of sulfur-bearing metal ores. • Industrial processes. 	<ul style="list-style-type: none"> • Aggravation of respiratory diseases (asthma, emphysema). • Reduced lung function. • Irritation of eyes. • Reduced visibility. • Plant injury. • Deterioration of metals, textiles, leather, finishes, coatings, etc.
---------------------------	---------	--	---

Source: California Air Resources Board, 2002.

Baseline Air Quality

There are no baseline air quality data available directly from the proposed project site. Long-term air quality monitoring for ozone, nitrogen oxides, and 10-micron diameter particulate matter (PM₁₀) is carried out by the South Coast Air Quality Management District (SCAQMD). The project site is located within the Perris Valley area (SRA 24) and its monitoring station is located approximately 8.3 miles northeast of the project site – it reports air quality statistics for O₃ and PM₁₀. The Perris Valley monitoring station does not include statistics for CO, NO₂, and PM_{2.5} so the next nearest station was used. The Metropolitan Riverside County (SRA 23) monitoring station, located approximately 13.1 miles east of the project, is the next nearest monitoring stations that reports air quality statistics for CO, NO₂, and PM_{2.5}. It should be noted that the Metropolitan Riverside County monitoring station was utilized in lieu of the Perris Valley monitoring station only in instances where data was not available. **Table 3-3, Air Quality Monitoring Summary (2017-2019)** summarizes the last three years of currently available monitoring data from the SCAQMD.

- a. Photochemical smog (ozone) levels occasionally exceed standards. The 8-hour state ozone standard has been exceeded 17-22 percent of all days, and the 1-hour state standard has been exceeded 7-9 percent of all days. While ozone levels are still high, they are much lower than 10 to 20 years ago, attainment of all clean air standards in the project vicinity is not likely to occur soon, but the severity and frequency of violations is expected to continue to slowly decline during the current decade.
- b. Carbon monoxide measurements at the Metropolitan Riverside station fluctuate but the maximum 8-hour CO levels at the closest air monitoring station are less than 10 percent of their most stringent standards because of continued vehicular improvements. These data suggest that baseline CO levels in the project area are generally healthful and can accommodate a reasonable level of additional traffic emissions before any adverse air quality effects would be expected.
- c. Respirable dust (PM₁₀) levels exceed the state standard on 3 to 11 of the measurement days, but the federal PM₁₀ standard has not been violated once for the same period. Particulate levels have traditionally been high in Riverside County because of agricultural activities, dry soil conditions and upwind industrial development.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

- d. A substantial fraction of PM₁₀ is actually comprised of ultra-small diameter particulates capable of being inhaled into deep lung tissue (PM_{2.5}). The federal standard was exceeded on 2-6 days from 2017-2019. Both the frequency of violations of particulate standards, as well as high percentage of PM_{2.5}, are air quality concerns in the project area.

Although complete attainment of every clean air standard is not yet imminent, extrapolation of the steady improvement trend suggests that such attainment could occur within the reasonably near future. As stated above, **Table 3-3** summarizes the last three years of currently available monitoring data from the SCAQMD.

Table 3-3
Air Quality Monitoring Summary (2017-2019)
(Number of Days Standards Were Exceeded, and Max. Levels During Violations)

Pollutant/Standard	2017	2018	2019
Ozone (O₃)			
1-Hour > 0.09 ppm (S)	33	31	26
8-Hour > 0.07 ppm (S)	80	67	64
Max. 1-Hour Conc. (ppm)	0.120	0.117	0.118
Max. 8-Hour Conc. (ppm)	0.105	0.103	0.095
Carbon Monoxide (CO)			
Max. 1-Hour Conc. > 35. Ppm (F)	1.9	2.2	1.5
Max 8-Hour Conc. >20 ppm (F)	1.7	2.0	1.2
Nitrogen Dioxide (NO₂)			
Max. 1-Hour Conc. > 0.1 ppm (F)	0.063	0.055	0.056
Annual Standard Design Value (F)	0.015	0.014	0.014
Inhalable Particulates (PM₁₀)			
# Days over 24-Hour > 50 µg/m ³ (S)	11	3	4
# Days over 24-Hour > 150 µg/m ³ (F)	0	0	0
Max. 24-Hr. Conc. (µg/m ³)	75	64	97
Ultra-Fine Particulates (PM_{2.5})			

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

# Days over 24-Hour > 35 µg/m ³ (F)	6	2	4
Max. 24-Hr. Conc. (µg/m ³)	50.3	50.7	46.7

S=State Standard
 F=Federal Standard
 Source: South Coast AQMD
 Perris (24) Air Monitoring Station- Ozone and PM₁₀
 Metropolitan Riverside (23) Air Monitoring Station – Carbon Monoxide, Nitrogen Dioxide and PM_{2.5}

Air Quality Planning

The U.S. Environmental Protection Agency (EPA) is responsible for setting and enforcing the NAAQS for O₃, CO, Nox, SO₂, PM₁₀, PM_{2.5}, and lead. The U.S. EPA has jurisdiction over emissions sources that are under the authority of the federal government including aircraft, locomotives, and emissions sources outside state waters (Outer Continental Shelf). The U.S. EPA also establishes emission standards for vehicles sold in states other than California. Automobiles sold in California must meet the stricter emission requirements of the California Air Resources Board (CARB).

The Federal Clean Air Act (1977 Amendments) required that designated agencies in any area of the nation not meeting national clean air standards must prepare a plan demonstrating the steps that would bring the area into compliance with all national standards. The SCAB could not meet the deadlines for ozone, nitrogen dioxide, carbon monoxide, or PM₁₀. In the SCAB, the agencies designated by the governor to develop regional air quality plans are the SCAQMD and the Southern California Association of Governments (SCAG). The two agencies first adopted an Air Quality Management Plan (AQMP) in 1979 and revised it several times as earlier attainment forecasts were shown to be overly optimistic.

The 1990 Federal Clean Air Act Amendment (CAAA) required that all states with air-sheds with “serious” or worse ozone problems submit a revision to the State Implementation Plan (SIP). Substantial reductions in emissions of ROG, Nox and CO are forecast to continue throughout the next several decades. Unless new particulate control programs are implemented, PM₁₀ and PM_{2.5} are forecast to slightly increase.

The 2016 Air Quality Management Plan (AQMP) was adopted by the SCAQMD Board in March 2017 and has been submitted the California Air Resources Board for forwarding to the EPA. The 2016 AQMP acknowledges that motor vehicle emissions have been effectively controlled and that reductions in Nox, the continuing ozone problem pollutant, may need to come from major stationary sources (power plants, refineries, landfill flares, etc.). The key challenge is that Nox emission levels, as a critical ozone precursor pollutant, are forecast to continue to exceed the levels that would allow the above deadlines to be met. Unless additional stringent Nox control measures are adopted and implemented, ozone attainment goals may not be met.

The South Coast AQMD has Initiated the development of the 2022 AQMP but It is still in development. Conformity with adopted plans, forecasts and programs relative to population, housing, employment and land use is the primary yardstick by which impact significance of planned growth is determined. The SCAQMD, however, while acknowledging that the AQMP is a growth-accommodating document, does not favor designating regional impacts as less-than-significant just because the proposed development is consistent with regional growth

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

projections. Air quality impact significance for the proposed project has therefore been analyzed on a project-specific basis.

Significance Thresholds

Air quality impacts are considered “significant” if they cause clean air standards to be violated where they are currently met, or if they “substantially” contribute to an existing violation of standards. Any substantial emissions of air contaminants for which there is no safe exposure, or nuisance emissions such as dust or odors, would also be considered a significant impact. Because of the chemical complexity of primary versus secondary pollutants, the SCAQMD has designated significant emissions levels as surrogates for evaluating regional air quality impact significance independent of chemical transformation processes. Projects with daily emissions that exceed any of the following emission thresholds are recommended by the SCAQMD to be considered significant under CEQA guidelines.

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

Projects such as the proposed project do not directly relate to the AQMP in that there are no specific air quality programs or regulations governing general development. Conformity with adopted plans, forecasts and programs relative to population, housing, employment and land use are the primary yardsticks by which impact significance of planned growth is determined. The 2016 AQMP incorporates scientific and technological information and planning assumptions, including SCAG’s 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS), a planning document that supports the integration of land use and transportation to help the region meet the federal Clean Air Act requirements.

Based on the information in the Project Description, the proposed project is consistent with the adopted City’s General Plan. Thus, the proposed project is consistent with regional planning forecasts maintained by the SCAG regional RTP/SCS plans. While acknowledging that the AQMP is a growth-accommodating document, the SCAQMD does not favor designating regional impacts as less than significant only because of consistency with regional growth projections. Air quality impact significance for the proposed project has therefore been analyzed on a project-specific basis. The analysis of project-related emissions provided in Threshold 3.b concludes the proposed project will not cause or be exposed to significant air pollution. Therefore, the project is consistent with the applicable air quality plan and its impact is less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	-------------------------------------	--------------------------	--------------------------

Response: *Less Than Significant With Mitigation Incorporated*

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

Air pollution emissions associated with the proposed project would occur over both a short and long-term time period. Short-term emissions include fugitive dust from construction activities (i.e., site prep, demolition, grading) and exhaust emissions at the project site. Long-term emissions would be associated with activities associated with and trips generated by the future commercial center.

Construction Emissions

CalEEMod was developed by the SCAQMD to provide a model by which to calculate both construction emissions and operational emissions from a variety of land use projects. It calculates both the daily maximum and annual average emissions for criteria pollutants as well as total or annual greenhouse gas (GHG) emissions. Estimated construction emissions were modeled using CalEEMod2016.3.2 to identify maximum daily emissions for each pollutant during project construction. Construction emissions were modeled in CalEEMod2016.3.2 using default construction equipment and schedule for a project of this size with constructed expected in 2021 and 2022. Conservative daily construction emissions calculated using CalEEMod are listed in **Table 3-4, Construction Emission Impacts (Pounds/Day)**. **Table 3-4** demonstrates that the peak daily construction activity emissions are estimated to be below SCAQMD CEQA thresholds without the need for mitigation. Emissions assume required mandatory watering of exposed dirt surfaces three times daily during grading per the SCAQMD Rule 403.

**Table 3-4
Construction Emission Impacts (Pounds/Day)**

Construction Emissions	VOC	Nox	CO	SO ₂	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	13.72	60.84	22.52	0.06	11.96	6.59
SCAQMD Threshold	75.0	100.0	550.0	150.0	150.0	55.0
Exceeds Threshold?	No	No	No	No	No	No

Although construction activities are not anticipated to cause regional Nox or dust emissions to exceed SCAQMD CEQA thresholds, additional (enhanced) control measures are recommended to decrease localized emissions (see Threshold 3.c regarding local significance thresholds or LST). Implementation of **Mitigation Measure MM-AQ-1** will reduce Nox emissions from 60.84 to 40.0 pounds per day and PM10 emissions from 11.96 to 10.83 pounds per day. Even without incorporation of this mitigation measure, any impacts related to construction emissions are considered less than significant.

Operational Emissions

Operational sources of emissions include area sources, energy consumption, mobile sources, and onsite cargo handling equipment. According to the project traffic analysis, the proposed commercial center will generate 4,482 daily trip-ends per the traffic study prepared for this project. Operational emissions were calculated using CalEEMod2016.3.2

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

2.b

for an assumed full occupancy year of 2023. The operational impacts are shown in **Table 3-5, Operational Emission Impacts (Pounds/Day)**.

**Table 3-5
Operational Emission Impacts (Pounds/Day)**

Operational Emissions ¹	VOC	Nox	CO	SO ₂	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	22.52	31.65	89.96	0.16	12.27	3.48
SCAQMD Thresholds	75.0	100.0	550.0	150.0	150.0	55.0
Exceeds Threshold?	No	No	No	No	No	No

Source: CalEEMod Output in Appendix A

b includes area sources, energy, and mobile sources for summer or winter, whichever is higher

As shown in **Table 3-5**, operational emissions will not exceed applicable SCAQMD operational emissions CEQA thresholds of significance. Therefore, impacts will be less than significant, and no mitigation is required.

Cumulative Impacts

The SCAQMD has published a report on how to address cumulative impacts from air pollution – *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*. In this report, the SCAQMD clearly states (Page D-3): "...the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for TAC emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, 37 projects that do not exceed 37 project-specific thresholds are generally not considered to be cumulatively significant." Therefore, this analysis assumes that individual projects that do not generate operational or construction emissions that exceed the SCAQMD's recommended daily thresholds for project-specific impacts (like the proposed project) would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. The project's emissions do not exceed the significance thresholds of the SCAQMD for construction or operation, so the project will not have significant cumulative air quality impacts.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Conclusion

Even without incorporation of **Mitigation Measure MM-AQ-1**, the proposed project would have a less than significant potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

c) Expose sensitive receptors to substantial pollutant concentrations?

Response: Less Than Significant Impact

The SCAQMD has developed analysis parameters to evaluate ambient air quality on a local level in addition to the more regional emissions-based thresholds of significance. These analysis elements are called Localized Significance Thresholds (LSTs) which were developed in response to Governing Board's Environmental Justice Enhancement Initiative 1-4. The LST methodology was formally approved by SCAQMD's Mobile Source Committee in February 2005.

LSTs are only applicable to the following criteria pollutants: oxides of nitrogen (Nox), carbon monoxide (CO), and particulate matter (PM₁₀ and PM_{2.5}). LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

Construction LST Impacts

For the proposed project, the primary source of possible LST impact would be during construction. LSTs are applicable for a sensitive receptor where it is possible that an individual could remain for 24 hours such as a residence, hospital or convalescent facility. In this case, the closest sensitive receptors are located immediately west and north of the project site. For the purposes of this study, four receptor locations were studied as described below and shown in **Figure 3-1, Sensitive Receptor Locations**.

- R1** Location R1 represents the existing residence at 13862 Cumin Street, approximately 72 feet north of the project site. R1 is placed at the private outdoor living area (backyard) facing the project site.
- R2** Location R2 represents the existing residence at 26282 Sequoia Street, approximately 1,428 feet east of the project site. Since there are no private outdoor living areas (backyards) facing the project site, receptor R2 is placed at the residential building façade.
- R3** Location R3 represents the Moreno Hills Seventh-day Adventist Church at 25873 Alessandro Boulevard, approximately 207 feet southwest of the project site. Since there are no private outdoor living areas (backyards) facing the project site, receptor R3 is placed at the residential building façade.

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

R4 Location R4 represents the existing residence at 13940 Chervil Court, approximately 28 feet west of the project site. R1 is placed at the private outdoor living area (backyard) facing the project site.

The nearest land use where an individual could remain for 24 hours to the project site has been used to determine localized construction and operational air quality impacts for emissions of PM₁₀ and PM_{2.5} (since PM₁₀ and PM_{2.5} thresholds are based on a 24-hour averaging time). The nearest receptor used for evaluation of localized impacts of PM₁₀ and PM_{2.5} is represented by location R4 which represents the existing residence at 13940 Chervil Court, 28 feet from the project site.

The LST thresholds and emissions of the proposed project are shown in **Table 3-6, Construction LST Impacts (Pounds/Day)**. **Table 3-6** demonstrates that project construction emissions will not exceed SCAQMD thresholds so LST will be less than significant, and no mitigation is required.

**Table 3-6
Construction LST Impacts (Pounds/Day)**

Maximum Daily Emissions ¹	CO	Nox	PM ₁₀	PM _{2.5}
Site Preparation Phase	60.79	21.85	11.76	6.53
Grading Phase	33.95	16.38	6.03	3.00
SCAQMD LST Threshold	270	1,577	13	8
Either Phase Exceed ¹ Threshold?	No	No	No	No

CalEEMod Output in Appendix A

b Site preparation and grading emissions are **NOT** additive as they occur at different times

Operational LST Impacts

According to SCAQMD methodology, LSTs would apply to the operational phase of a proposed project if it includes stationary sources or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., transfer facilities and warehouse buildings). The proposed project does not include such uses, and due to the lack of significant stationary source emissions, no long-term localized significance threshold analysis is required.

CO "Hot Spots"

An adverse CO concentration, known as a "hot spot", would occur if an exceedance of the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm were to occur. At the time of the 1993 CEQA Handbook, the SCAB was designated non-attainment under the CAAQS and NAAQS for CO. It has long been recognized that CO hotspots are caused by vehicular emissions, primarily when idling at congested intersections. In response, vehicle emissions standards have become increasingly stringent in the last twenty years. Currently, the allowable CO emissions standard in

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

California is a maximum of 3.4 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentration in the SCAB is now designated as attainment.

According to the *Traffic Analysis*, the project would not produce the volume of traffic required to generate a CO “hot spot” either in the context of the 2003 Los Angeles hot spot study or based on representative BAAQMD CO threshold considerations. Therefore, the *AQIA* determined the project would not result in potentially adverse CO concentrations or “hot spots” and no detailed modeling of project-specific CO “hot spots” was warranted.

Gasoline-Dispensing Facilities

Operational VOC emissions have been analyzed using CalEEMod analysis software and methodology and are based on the default assumptions for a convenience store with fueling positions use. The operational VOC emissions estimates associated with this use was previously shown in **Table 3-5** (22.52 pounds per day). The storage, transfer and dispensing of gasoline is not expected to generate significant VOC emissions due to the use of modern enhanced vapor recovery systems required by SCAQMD Rule 461. These systems substantially reduce VOC emissions and mitigate any potential for the project to exceed the daily emissions thresholds set by SCAQMD. For example, SCAQMD Rule 461 sets a maximum limit of 0.15 pounds of VOC per 1,000 gallons from the storage, transfer and dispensing of gasoline and 0.38 pounds of VOC per 1,000 gallons from the dispensing of gasoline into vehicle fuel tanks (Phase II) for a total of 0.53 pounds of VOC per 1,000 gallons of gasoline. Per information from the project applicant, approximately 3,600,000 gallons of gasoline will be dispensed per year or 9,863 gallons per day. By dividing the throughput per day by 1,000 and then multiplying by 0.53, it was determined that the project would result in 5.23 pounds of additional VOC emissions per day from gasoline dispensing. In comparison, the project’s operational VOC emissions were estimated to be 22.52 pounds per day. Thus, the total daily VOC emissions from operational emissions estimated by CalEEMod as well as VOCs from gasoline dispensing would be 27.75 pounds per day (22.5 + 5.23), and the result would still be well below the 75 pounds per day limit set by SCAQMD. Therefore, the impact of any additional VOCs from the storage, transfer and dispensing of gasoline is considered less than significant and no additional impacts would occur beyond those identified in this *AQIA*.

Toxic Air Contaminants from Gasoline Dispensing

Emissions resulting from gasoline service stations have the potential to result in toxic air contaminants (TACs) (e.g., benzene, hexane, toluene, xylene) and have the potential to contribute to health risks in the project vicinity, especially to sensitive receptors. It should be noted that standard regulatory controls would apply to the project in addition to any permits required that demonstrate appropriate operational controls. The exact annual amount of gasoline that will be dispensed by the proposed gas station is unknown, but the project Applicant has estimated the annual throughput will be 3,600,000 gallons per year. For purposes of this evaluation, cancer risk estimates were determined consistent with the methodology presented in SCAQMD’s *Risk Assessment Procedures for Rules 1401, 1401.1 & 212* which provides screening-

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

level risk estimates for gasoline dispensing operations. For additional information, see the *Cumulative Impacts* discussion in Threshold 3.b.

The fuel dispensing equipment of the project is at the southeast corner of the property so the impact calculation distances to the four closest sensitive receptors is modified from previous LST analysis as shown below:

Receptor Location	LST Distance	TAC Distance
R1	72	585
R2	1,428	1,527
R3	207	521
R4	28	474

Based on SCAQMD’s screening procedure, none of the residential receptors in the project vicinity will be exposed to a cancer risk of greater than 1.08 in 3,600,000 and no worker receptors will be exposed to a cancer risk of greater than 0.088 in 3,600,000. These are both less than the applicable threshold of a maximum individual cancer risk (MICR) of 36 in 3,600,000 for workers and residents. Therefore, impacts will be less than significant, and no mitigation is required.

D) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact

The potential for the project to generate objectionable odors has also been considered. Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, dairies, and, fiberglass molding facilities. The project does not contain land uses typically associated with emitting objectionable odors. Potential odor sources associated with the proposed project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed project’s (long-term operational) uses. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. It is expected that project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City’s solid waste regulations for commercial facilities. The proposed project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Emissions of other pollutants have been previously addressed in previous Thresholds 3.a through 3.c and impacts were less than significant. Therefore, odors

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

and other emissions associated with the proposed project construction and operations would be less than significant and no mitigation is required.

Mitigation Measures

MM-AQ-1 During the site preparation phase, construction equipment, the construction contractor shall ensure that off-road diesel construction equipment greater than 150 horsepower (hp) complies with Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer’s specifications.

Sources:

1. Moreno Valley General Plan, May 20, 2021
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
 - Section 9.10.050 – Air Quality of the Moreno Valley Municipal Code
 - Section 9.10.150 – Odors of the Moreno Valley Municipal Code
 - Section 9.10.170 – Vibration of the Moreno Valley Municipal Code
4. Moreno Valley Municipal Code Section 12.50.040 – Limitations on Engine Idling
5. *Moreno Valley Commercial Air Quality Impact Analysis, City of Moreno Valley*, prepared by Urban Crossroads, 10-18-2020 (AQIA, **Appendix A**)

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

FIGURE 3-1
SENSITIVE RECEPTOR LOCATIONS



LEGEND:

- N
- Receptor Locations
- Distance from receptor to Project site boundary (in feet)
- Existing Barrier
- Existing Barrier Height (in feet)

Source: AQIA – (Appendix A)

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

4. BIOLOGICAL RESOURCES – Would the project:

SUBSTANTIATION: A Multiple Species Habitat Conservation Plan Report (*MSHCP Report, Appendix B1*) consistency analysis prepared for the project site by Biologist Kelly Rios (K. Rios) 6-18-2018. In addition, an MSHCP Burrowing Owl Focused Survey (*BUOW Report, Appendix B2*) was also prepared for the project site by K. Rios dated 4-11-2022 and 8-2-2018. The following summarizes information from those two reports.

Summary of Findings

Introduction

The purpose of the *MSHCP Report* and *BUOW Report* is to address potential effects of the project on designated Critical Habitats and/or any species currently listed or formally proposed for listing as endangered or threatened under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) or species designated as sensitive by the California Department of Fish and Wildlife (CDFW [formerly California Department of Fish and Game]) and/or the California Native Plant Society (CNPS). As part of the *MSHCP Report*, the project site was assessed to determine if any State and federal jurisdictional waters (i.e. Waters of the U.S. and Waters of the State) within the project area that were subject to regulation by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA), Regional Water Quality Control Board (RWQCB) under Section 401 of the CWA and Porter Cologne Water Quality Control Act, and CDFW under Section 1602 of the California Fish and Game Code (FGC), respectively.

Environmental Setting

The project area lies in the geographically based ecological classification known as the Inland Valleys – Level IV ecoregion, of the Southern California/Northern Baja Coast – Level III ecoregion. The Inland Valleys ecoregion is a heavily urbanized ecoregion that historically consisted of the alluvial fans and basin floors immediately south of the San Gabriel and San Bernardino Mountains. The project area is situated in the City of Moreno Valley, just west of the Badlands. The topography of the project area consists of a flat urban landscape, comprised of vacant land and bordered by residential development to the north and west. The elevation of the project site is approximately 1,590 feet above mean sea level (amsl). The site is completely disturbed and contains no identified drainages or riparian resources.

Sensitive Biological Resources

A literature search found a total five sensitive plant species, 26 wildlife species, and one sensitive plant community (Southern sycamore alder riparian woodland) were reported to occur within the Sunnymead topographic map which contains the project site (see *MSHCP Report* Table 1). However, only two of these species have any potential to occur onsite. Burrowing owl has a moderate potential to occur onsite and the California horned lark was observed foraging onsite. All other species had little or no actual potential to occur on or adjacent to the project site.

A reconnaissance level survey of the project site was conducted by K. Rios in spring 2018 to identify potential habitat for special status wildlife within the project area. The project site is completely disturbed and no longer supports any native habitats. Existing disturbances within

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

the project site include periodic disking, dumping, and litter. Other than the California horned lark, no listed or sensitive species were observed within the project area during the reconnaissance-level field survey. However, the survey did find potential habitat for the burrowing owl, so a focused survey was also conducted for that species (see below). Due to environmental conditions on the site and adjacent disturbance, burrowing owl was not found on the site at the time of survey (spring 2018). The *MSHCP Report* concluded (at that time) that the project site was likely not suitable to support any of the listed species that have been documented in the surrounding area (within approximately 3 miles).

Critical Habitat and MSHCP Consistency

The project area does not contain any sensitive habitats including any USFWS designated Critical Habitat for any federally listed species, and the project will not result in any loss or adverse modification of Critical Habitat. Additionally, the project site is not within or adjacent any MSHCP Criteria Cells or Cell Groups and the project will not impact any MSHCP Conservation Areas. Therefore, the County will not require the applicant or City to enter into the Habitat Acquisition Negotiation Strategy (HANS) or conserve portions of the parcel. Furthermore, the project site is not mapped within any required survey areas for amphibians, mammals, invertebrates, Narrow Endemic Plants Species, or other Criteria Area Species.

Burrowing Owl

The project site is within an MSHCP Burrowing Owl Survey Area. Therefore, a burrowing owl (BUOW) habitat suitability assessment was conducted by K. Rios in May of 2018 that included 100 percent visual coverage of any potentially suitable BUOW habitat within the project area. The result of the survey was that no evidence of BUOW was found in the survey area. No BUOW individuals or sign including castings, feathers, whitewash, burrows, burrow surrogates, or appropriately sized fossorial mammal dens were observed within the survey area and BUOW are considered absent from the project area at the time of survey. Although the project is not likely to adversely affect this species, there is still a low potential for the project site to become occupied by BUOW between the time the survey was conducted and the commencement of project-related construction activities.

The BUOW is a state and federal species of special concern (SSC) and is also protected under the Migratory Bird Treaty Act (MBTA) and by state law under the FGC (FGC #3513 & #3503.5). In general, impacts to BUOW can be avoided by conducting work outside of their nesting season (peak BUOW breeding season is identified as April 15th to August 15th). If all work cannot be conducted outside of nesting season, a project specific BUOW protection and/or passive relocation plan can be prepared to determine suitable buffers and/or artificial burrow construction locations pursuant to guidelines and authorization from the appropriate regulatory agencies, including CDFW and/or USFWS.

Nesting Birds

There is habitat within the project area suitable to support nesting birds, including both natural and urban environments. Most native bird species are protected from unlawful take by the Migratory Bird Treaty Act (MBTA). In December 2017, the Department of the Interior (DOI) issued a memorandum concluding that the MBTA's prohibitions on take apply "[...] only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs." Then in April 2018, the USFWS issued a guidance memorandum that further

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

clarified that the take of migratory birds or their active nests (i.e., with eggs or young) that is incidental to, and not the purpose of, an otherwise lawful activity does not constitute a violation of the MBTA. However, the State of California provides additional protection for native bird species and their nests in the CDFW FGC.

Jurisdictional Waters

The *MSHCP Report* found no evidence of potential jurisdictional resources or features on the project site. The Report also found evidence of wetland or non-wetland waters of the United States (WOTUS) or waters of the State (WOTS) potentially subject to regulation by the USACE under Section 404 of the CWA, the RWQCB under Section 401 of the CWA and/or Porter Cologne Water Quality Control Act, or the CDFW under Section 1602 of the California FGC, respectively.

Other MSHCP Requirements

The project is consistent with the MSHCP policies found in Section 6 of the MSHCP, which include Riparian/Riverine Areas/Vernal Pools, Narrow Endemic Plant Species, Criteria Area Species, Urban/Wildlands Interface, and Surveys for Special Status Species (BUOW). The project site is within the Western Riverside County MSHCP boundary but is not within or adjacent any MSHCP Criteria Cells or Cell Groups. Therefore, implementation of the MSHCP Section 6.1.4 Guidelines Pertaining to the Urban/Wildlands Interface is not required. The project proponent will also be required to pay the established MSHCP fee. No conservation or avoidance measures are expected or required, and the project as described is consistent with the overall conservation goals and objectives set forth in the MSHCP.

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Response: Less Than Significant With Mitigation Incorporated

Implementation of the project may have a potential for a significant adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Of the list of 31 listed or sensitive plant or animal species reported to occur within the vicinity of the site, only California horned lark was observed foraging onsite. This species is a California State listed SSC, but no nesting habitat was observed onsite for this species. Therefore, the *MSHCP Report* concluded that impacts to this species foraging habitat will be less than significant and no mitigation is required.

The BUOW is a state and federal SSC and is also protected under the MBTA and state law under the California FGC (FGC #3513 & #3503.5). In general, impacts to BUOW can be avoided by avoiding occupied burrows and conducting work outside of their nesting season.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

However, if all work cannot be conducted outside of nesting season and occupied burrows cannot be avoided, mitigation is required.

As discussed above, the proposed project site did not contain habitat suitable for burrowing owl in the spring of 2018. Protocol-level presence/absence surveys were conducted in May of 2018 and found no burrowing owl individuals or sign at that time. Furthermore, no burrowing owl individuals or sign were observed during the *MSHCP Report* conducted around the same time (spring 2018). Therefore, BUOW was considered to be absent from the project area at the time of survey.

The results of BUOW surveys are typically considered acceptable within one year of the survey. Since the *BUOW Report* was prepared in 2018, another survey was prepared in April 2022 which determined that, due to the lack of potential burrows or any burrowing owl sign located within project site, no focused surveys for burrowing owl were recommended at this time. However, this species can occupy a site in a short time, so **Mitigation Measure MM-BIO-1** is recommended to reduce any potential impacts to burrowing owl to less than significant levels.

In addition, impacts to all bird species (special status and common) can be avoided by conducting work outside of the nesting season, which is generally January 1st through September 1st (this period covers both raptors and songbirds). If all work cannot be conducted outside of nesting season, **Mitigation Measure MM-BIO-2** is recommended to protect any nesting birds which may be present during project construction.

Given that no other State- and/or federally-listed threatened or endangered species, or other sensitive species are anticipated to occur within the project site based on the results of the *MSCHP Report*, the proposed project would have a less than significant potential to have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS with implementation of **Mitigation Measures MM-BIO-1** and **MM-BIO-2**.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact

Implementation of the proposed project will not have an adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. The project site is completely disturbed, consisting mostly of disked bare ground, and no longer supports any native habitat. Sparse vegetation cover within the project site is dominated by non-native, invasive species of weeds and grasses.

The nearest Critical Habitat unit is approximately 2.5 miles north of the project site. This Critical Habitat unit is part of the San Timoteo Creek Unit of USFWS designated Critical Habitat for the federally listed as endangered southwestern willow flycatcher (*Empidonax*

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

traillii extimus). However, no portion of the project site is within or adjacent this Critical Habitat unit, or any other Critical Habitat. According to the CNDDDB, the nearest sensitive habitat is Southern Sycamore Alder Riparian Woodland located within Reche Canyon, approximately 4.5 miles northwest of the project site.

As stated in the *MSCHP Report*, the project site does not contain any sensitive habitats, including any USFWS designated Critical Habitat for any federally listed species, and the project will not result in any loss or adverse modification of any Critical Habitat. There are no natural or man-made streams or other aquatic or riparian habitats within the project site and no Riparian/Riverine resources are present. Based on the field survey and the information contained in the *MSHCP Report*, the proposed project has a less than significant potential to impact to riparian habitat or other sensitive communities are anticipated to occur as a result of implementation of the proposed project. No mitigation is required.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Response: No Impact

Areas meeting all three federal wetland parameters (i.e., hydrophytic vegetation, hydric soils, and wetland hydrology) and are located adjacent to other jurisdictional waters would be designated as USACE wetlands. The project site does not support any hydrophytic vegetation, including within any of the ephemeral swales on site. Thus, there are no wetland or non-wetland WOTUS within the project site and the project will not result in any permanent or temporary impacts to WOTUS. Therefore, the project would not require (federal) CWA Section 404/401 permitting.

Additionally, the project site contains no natural or man-made drainage features that meet the CDFW definition of a lake, river or stream and do not support any aquatic resources, stream-dependent wildlife resources or riparian habitats. Additionally, none of these features has a definable bed and bank. Therefore, the project will not result in any permanent or temporary impacts to jurisdictional waters of the State and the project would not require (state) FGC Section 1602 permitting.

Therefore, implementation of the proposed project will have no potential impacts on state or federally protected wetlands including, but not limited to, marsh, vernal pool, coastal, etc. through direct removal, filling, hydrological interruption, or other means. No mitigation is required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Response: *Less Than Significant With Mitigation Incorporated*

Based on the MSHCP and field survey of the site, the project will not substantially interfere with the movement of any native resident or migratory species or with established native or migratory wildlife corridors or impede the use of native nursery sites. The State protects all migratory and nesting native birds. The only sensitive wildlife species observed or otherwise detected during the reconnaissance-level survey was the California horned lark although other common raptor and song birds are expected in the project area. Thus, the project area may include locations that function as nesting locations for native birds. To avoid impacting nesting birds as required by the MBTA and California FGC, **Mitigation Measure MM-BIO-2** shall be implemented.

Thus, with implementation of the above measure, any effects on wildlife movement or the use of wildlife nursery sites can be reduced to a less than significant impact.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Response: *Less Than Significant Impact*

Development of the proposed project would have a less than significant potential to conflict with any local policies or ordinances protecting biological resources. The project would not be removing any native trees or natural drainages and impacts to specific biological resources have been addressed above under issues 4(a-d). Past site disturbance has eliminated any potential for other biological resources that might be protected to exist within the site. Therefore, the potential for the project to conflict with local policies or ordinances pertaining to biological resources would be considered less than significant, and no mitigation is required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved local, regional, or state habitat conservation plan?

Response: *Less Than Significant With Mitigation Incorporated*

The project site is located within the City of Moreno Valley. According to the Western Riverside County Regional Conservation Authority’s online MSHCP Information Tool query, the site is not mapped within or adjacent a Criteria Cell or Cell Group and is therefore not targeted for conservation. Furthermore, the project site is not mapped within any required survey areas for amphibians, mammals, invertebrates, Narrow Endemic Plants Species, or other Criteria Area Species. However, Burrowing Owl Surveys, are required within the project area. Therefore, in addition to the *MSHCP Report*, a BUOW habitat suitability assessment survey was conducted for the project area in accordance with the MSHCP requirements. As discussed under issue 4(a), the proposed project will be required to implement **Mitigation Measures MM-BIO-1** to ensure that this species is protected prior to construction should the site become occupied with this species between the time of the

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

survey and construction. In addition, **Mitigation Measure MM-BIO-2** will be implemented to protect nesting bird species. These measures, along with payment of the required MSHCP fee, will meet the MSHCP requirements and no significant impacts are anticipated to occur to listed or otherwise sensitive biological species as a result of project implementation.

As stated in the *MSHCP Report*, the project is consistent with the MSHCP policies found in Section 6 of the MSHCP, which include Riparian/Riverine Areas/Vernal Pools, Narrow Endemic Plant Species, Criteria Area Species, Urban/Wildlands Interface, and Surveys for Special Status Species (BUOW). The project site is within the Western Riverside County MSHCP boundary but is not within or adjacent any MSHCP Criteria Cells or Cell Groups. Therefore, implementation of the MSHCP Section 6.1.4 Guidelines Pertaining to the Urban/Wildlands Interface is not required. The project proponent will be required to pay the MSHCP fee, so the project is consistent with the conservation goals and objectives set forth in the MSHCP. Therefore, with implementation of **Mitigation Measures MM-BIO-1** and **MM-BIO-2** to protect BUOW and nesting birds, the proposed project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved local, regional, or state habitat conservation plan. Impacts will be less than significant with the recommended mitigation.

Mitigation Measures

MM-BIO-1 Pre-construction surveys for BUOW shall be conducted within 30 days prior to commencement of Project-related ground disturbance to verify that BUOW remain absent from the Project Area.

If burrowing owl are discovered within the project footprint, a project specific BUOW protection and/or passive relocation plan shall be prepared to determine suitable buffers and/or artificial burrow construction locations to minimize impacts to this species. If BUOW is found on-site at the time of construction, all activities likely to affect the animal(s) shall cease immediately and regulatory agencies shall be contacted to determine appropriate management actions.

MM-BIO-2 The State of California prohibits the “take” of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the State identified nesting season (typically February 1 through September 1). Alternatively, nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair’s behavior,

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.

Sources:

1. Moreno Valley General Plan, May 20, 2021 (April 2, 2021)
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
 - Section 9.17.030 G – Heritage Trees
4. Moreno Valley Municipal Code Chapter 8.60 – Threatened and Endangered Species
5. Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), <http://www.wrc-rca.org/about-rca/multiple-species-habitat-conservation-plan/>
6. Stephens’ Kangaroo Rat Habitat Conservation Plan (SKRHCP), Governing Documents | RCHCA, CA
7. *MSHCP Compliance Analysis and Focused Habitat Assessment for the Burrowing Owl*, prepared by Kelly Rios, 6-18-2018 (*MSHCP Report, Appendix B1*)
8. *MSHCP Burrowing Owl Focused Survey Report*, prepared by Kelly Rios, 4-11-2022 and 8-2-2018 (*BUOW Report, Appendix B2*)

5. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Response: No Impact

Definition of Historic Resources. According to Public Resources Code (PRC) §5020.1(j), the term “historical resource” includes but is not limited to “any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.”

More specifically, CEQA guidelines state that the term “historical resources” applies to any such resources listed in or determined to be eligible for listing in the California Register of Historical Resources, included in a local register of historical resources, or determined to be historically significant by the lead agency (Title 14 CCR §15064.5(a)(1)-(3)). Regarding the proper criteria for the evaluation of historical significance, CEQA guidelines mandate that “generally a resource shall be considered by the lead agency to be ‘historically significant’ if the resource meets the criteria for listing on the California Register of Historical Resources” (Title 14 CCR §15064.5(a)(3)). A resource may be listed in the California Register if it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

4. Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.11)

Project Impacts. The Eastern Information Center (EIC) records search indicates that there are 14 cultural resources present within a one-mile radius of the project, none of which are located within the project boundaries. The resources identified by the EIC during the records search consist of 10 prehistoric bedrock milling features, two historic residential structures, one historic brick and mortar cistern, and one historic site containing the remnants of two historic residential structures, a historic trash scatter, and a historic septic tank.

The records search also indicates that 27 cultural resource studies have been conducted within a one-mile radius of the project, one of which includes the current project. However, it was determined that there is no presence of any cultural resources within the project site.

For the project, the following historic sources were reviewed at the EIC:

- The National Register of Historic Places (NRHP) Index
- The Office of Historic Preservation (OHP), Archaeological Determinations of Eligibility
- The OHP, Built Environment Resource Directory (BERD)
- The 7.5' USGS *Sunnymead* topographic map (1953 and 1967)
- The 15' USGS *Perris* topographic map (1942)
- The 30' USGS *Elsinore* topographic map (1901)

During the EIC records search, a standard review of the NRHP, the OHP Archaeological Determinations of Eligibility, and the OHP BERD was also conducted.

These additional sources did not identify any cultural resources within the project. The property has been historically used for agriculture since at least 1966. The aerial photographs and historic USGS maps reviewed at the EIC indicate that no structures have ever been located on the project site.

The project archaeologist requested a review of the Sacred Lands File (SLF) at the Native American Heritage Commission (NAHC) on January 6, 2020 to determine if any recorded Native American sacred sites or locations of religious or ceremonial importance are present within one mile of the project. The SLF search did not indicate the presence of any sacred sites or locations of religious or ceremonial importance within the search radius.

Based upon the records search results, the project possesses a low sensitivity for cultural resources as no prehistoric or historic resource sites have been recorded within the project. Further, while the project site property a single bedrock outcrop in the northeast portion of the project, no natural sources of water or other landforms typically associated with prehistoric use areas are present in or near the project site. Given the valley setting and lack of water sources for the project site, predictive modeling would suggest that if prehistoric sites are present within the project, they

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

will likely be isolated artifacts, artifact scatters, or specialized resource processing loci that would have developed as a result of prehistoric resource extraction practices. In addition, no buildings were ever located on the property and, as a result, any historic sites are likely to be surface deposits resulting from rural refuse dumping practices.

A cultural resources survey (survey) took place on January 7, 2020, by the project archaeologist. The survey utilized a series of parallel survey transects spaced at approximately 10-meter intervals, which covered all areas of the project site. The project has historically been used for agriculture and ground visibility was generally good to fair, being limited due to non-native grasses and weeds. The entire project site was accessible, and no constraints were encountered.

The survey indicated that the entirety of the project has been disturbed by historic agricultural use, vegetation clearing, disking, grading, and the development of the surrounding area. The vegetation on the property mainly consists of non-native weeds and grasses. In addition, modern trash was identified throughout the project. The survey did not result in the identification of any cultural resources within project. A small bedrock outcrop was identified in the northeast portion of the site, but upon closer inspection, the boulders appear to have been moved to the site from somewhere outside the project. Additionally, the boulders do not retain any evidence of prehistoric use. Therefore, potential for buried or masked cultural deposits within the project is considered low based upon the research results, lack of identified resources on the project site, and previous impacts to the project site.

Based on this information, the proposed project site contains no artifacts or resources that satisfy any of the criteria for a historic resource defined in Section 15064.5 of the State CEQA Guidelines. Therefore, the project area appears to have no sensitivity for cultural resources from the historic period. The project site is also not listed with the State Office of Historic Preservation or the National Register of Historic Places.

Based on available evidence, the proposed project will not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. No impacts will occur, and no mitigation is required.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	-------------------------------------	--------------------------	--------------------------

Response: *Less Than Significant with Mitigation Incorporated*

Definition of Tribal Cultural Resources. The significance criteria outlined in Threshold 5.a above for historic resources also largely applies to archaeological resources which would be of Native American origin.

On January 6, 2020 Brian F. Smith and Associates, Inc. submitted a written request on behalf of the City of Moreno Valley to the State of California Native American Heritage Commission (NAHC) for a records search of their Sacred Lands File. The NAHC is the State of California’s trustee agency for the protection of “tribal cultural resources” as defined by California Public Resources Code Section 21074 and is

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

tasked with identifying and cataloging properties of Native American cultural value, including places of special religious, spiritual, or social significance and known graves and cemeteries throughout the state.

The NAHC recommended that local Native American groups be consulted for further information and provided a referral list of twenty-one (21) individuals associated with fourteen (14) local Native American groups who may have knowledge of local tribal cultural resources. For more information on the tribal consultation process for the Project site, see the discussion under Threshold 18, *Tribal Cultural Resources*.

Project Impacts. A detailed cultural resources survey (CRS) was prepared for the project. The purpose of the CRS was to determine whether the proposed Project would cause substantial adverse changes to any “historical resources,” as defined by CEQA, that may exist in or near the Project area. For the purposes of this determination, the criteria for significant impacts to historical resources outlined in Threshold 5.a above also apply to archaeological or Native American resources.

The CRS determined the, the project possesses a low sensitivity for cultural resources as no prehistoric or historic resource sites have been recorded within the project. Further, while the project site property a single bedrock outcrop in the northeast portion of the project, no natural sources of water or other landforms typically associated with prehistoric use areas are present in or near the project site. Given the valley setting and lack of water sources for the project site, predictive modeling would suggest that if prehistoric sites are present within the project, they will likely be isolated artifacts, artifact scatters, or specialized resource processing loci that would have developed as a result of prehistoric resource extraction practices. In addition, no buildings were ever located on the property and, as a result, any historic sites are likely to be surface deposits resulting from rural refuse dumping practices.

The cultural resources survey that took place on January 7, 2020, by the project archaeologist utilized a series of parallel survey transects spaced at approximately 10-meter intervals, which covered all areas of the project site. The project has historically been used for agriculture and ground visibility was generally good to fair, being limited due to non-native grasses and weeds. The entire project site was accessible, and no constraints were encountered.

The survey indicated that the entirety of the project has been disturbed by historic agricultural use, vegetation clearing, disking, grading, and the development of the surrounding area. The vegetation on the property mainly consists of non-native weeds and grasses. In addition, modern trash was identified throughout the project. The survey did not result in the identification of any cultural resources within project. A small bedrock outcrop was identified in the northeast portion of the site, but upon closer inspection, the boulders appear to have been moved to the site from somewhere outside the project. Additionally, the boulders do not retain any evidence of prehistoric use. Therefore, potential for buried or masked cultural deposits within the project is considered low based upon the research results, lack of identified resources on the project site, and previous impacts to the project site.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

The CRS did not recommend monitoring of grading as a condition of approval for the project.

However, in working with local Consulting Tribes, the City has identified specific actions to protect cultural resources which have been incorporated into **Mitigation Measures MM-CUL-1** through **MM-CUL-8**.

With implementation of these measures, potential impacts related to archaeological resources pursuant to CEQA Guidelines Section 15064.5 that may be accidentally encountered during Project grading will be reduced to less than significant levels.

c) Disturb any human remains, including those interred outside of formally dedicated cemeteries?

Response: Less Than Significant with Mitigation Incorporated

If suspected human remains are found during grading, California Health and Safety Code Section 7050.5 requires the County Coroner to determine whether or not the remains are human. If the Coroner determines that the remains are or appear to be of Native American origin, the Native American Heritage Commission must be contacted.

Pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the “most likely descendant” (MLD). The MLD shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the Project area shall also be subject to consultation between appropriate representatives from that group and the Community Development Director.

A detailed cultural resources survey (CRS) was prepared for the project. The CRS determined the site did not contain any identified or visible Native American resources. However, local tribal representatives indicate it is always possible to encounter previously unknown buried remains during grading within their traditional tribal lands which includes the Project area.

It is possible that buried human remains may be encountered during construction given the proven prehistoric occupation of the region. As discussed in Threshold 5.b, **Mitigation Measures MM-CUL-7** and **MM-CUL-8** are recommended to reduce the potentially significant impact to previously unknown human remains that may be discovered during Project grading to a less than significant level.

Mitigation Measures

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

MM-CUL-1 Archaeological Monitoring.

Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s), including the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP as defined in MM-CUL-3. The Project archaeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.

MM-CUL-2 Native American Monitoring.

Prior to the issuance of a grading permit, the Developer shall secure agreements with the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, for tribal monitoring. The Developer is also required to provide a minimum of 30 days' advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.

MM-CUL-3 Cultural Resource Monitoring Plan (CRMP).

The Project Archaeologist, in consultation with the Consulting Tribe(s), including the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:

- a. Project description and location;
- b. Project grading and development scheduling;
- c. Roles and responsibilities of individuals on the Project;
- d. The pre-grading meeting and Cultural Resources Worker Sensitivity Training details;
- e. The protocols and stipulations that the contractor, City, Consulting Tribe (s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

- f. The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items; and
- g. Contact information of relevant individuals for the Project.

MM-CUL-4 Cultural Resource Disposition.

In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department:

- i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources.
- ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure MM-CUL-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in MM-CUL-3 The location for the future reburial area shall be identified on a confidential exhibit on file with the City and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.

The City shall verify that the following note is included on the Grading Plan:

“If any suspected archaeological resources are discovered during ground –disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find.”

MM-CUL-5 Inadvertent Finds.

If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior’s standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archaeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration and implemented as deemed appropriate by the Community

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in MM-CUL-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archaeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.

MM-CUL-6 Human Remains.

If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the “most likely descendant”. The “most likely descendant” shall then make recommendations and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

MM-CUL-7 Non-Disclosure of Reburial Locations.

It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 I., parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 I.

MM-CUL-8 Archaeology Report – Phase III and IV.

Prior to final inspection, the developer/permit holder shall prompt the Project Archaeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department’s requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).

Sources:

1. Moreno Valley General Plan, adopted June 15, 2021
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified June 15, 2021
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

- 4. Moreno Valley Municipal Code Title 7 – Cultural Preservation
- 5. *Phase I Cultural Resources Survey for the Commercial Center Shell Gas Station Express Car Wash Office Building Project*, prepared by Brian F. Smith and Associates, Inc., 6-4-2020 (CRS, **Appendix C**)

6. ENERGY – Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	-------------------------------------	--------------------------	--------------------------

Response: *Less Than Significant With Mitigation Incorporated*

Note: Any tables or figures in this section are from the *Energy Memo*, unless otherwise noted.

Construction-Related Energy Consumption

Estimated Energy Consumption

Heavy-duty construction equipment associated with grading, installation of utilities, paving, and building construction would include Graders, Excavator, Rubber Tired Dozers, Tractors/ Loaders/ Backhoes, Cranes, Forklifts, Generator Sets, Tractors/ Loaders/ Backhoes, Welders, Pavers, Paving Equipment, Rollers, and Air Compressors. The majority of the equipment would likely be diesel-fueled; however, smaller equipment, such as air compressors and forklifts may be electric, gas, or natural gas-fueled. For the purposes of this assessment, it is assumed that the construction equipment would be diesel-fueled, due to the speculative nature of specifying the amounts and types of non-diesel equipment that might be used, and the difficulties in calculating the energy, which would be consumed by this non-diesel equipment.

Fuel consumed by construction equipment would be the primary energy resource expended over the course of project construction. Project construction activity timeline estimates, construction equipment schedules, equipment power ratings, load factors, and associated fuel consumption estimates are presented in **Table 6-1, *Construction Equipment Fuel Consumption Estimates***.

For the purposes of this analysis, the calculations are based on all construction equipment being diesel-powered which is consistent with industry standards. Diesel fuel would be supplied by existing commercial fuel providers serving the City and region. As presented in **Table 6-1**, project construction activities would consume an estimated 42,736 gallons of diesel fuel. Project construction would represent a “single-event” diesel fuel demand and would not require ongoing or permanent commitment of diesel fuel resources for this purpose.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

2.b

**Table 6-1
Construction Fuel Consumption¹**

Fuel Type	Gallons of Fuel	MMBtu ⁴
Diesel Fuel (Construction Equipment) ¹	42,736	5,447
Diesel Fuel (Hauling & Vendor Trips) ²	8,578	1,093
Other Petroleum Fuel (Worker Trips) ³	14,810	1,626
Total	66,124	8,167

¹ Fuel demand rate for construction equipment is derived from the total hours of operation, the equipment's horsepower, the equipment's load factor, and the equipment's fuel usage per horse power per hour of operation, which are provided in CalEEMod outputs (Urban Crossroads 2020), and from compression-ignition engine brake-specific fuel consumptions factors for engines between 0 to 100 horsepower and greater than 100 horsepower (U.S. EPA 2018). Fuel consumed for all construction equipment is assumed to be diesel fuel.

² Fuel demand rate for hauling and vendor trips (cut material imports) is derived from hauling and vendor trip number, hauling and vendor trip length, and hauling and vendor vehicle class from "Trips and VMT" Table contained in Section 3.0, *Construction Detail*, of the CalEEMod results (Urban Crossroads 2020). The fuel economy for hauling and vendor trip vehicles is derived from the United States Department of Transportation (U.S. DOT 2018). Fuel consumed for all hauling trucks is assumed to be diesel fuel.

³ The fuel economy for worker trip vehicles is derived from the U.S. Department of Transportation National Transportation Statistics (24 mpg) (U.S. DOT 2018). Fuel consumed for all worker trips is assumed to be gasoline fuel.

⁴ CaRFG CA-GREET 3.0 fuel specification of 109,786 Btu/gallon used to identify conversion rate for fuel energy consumption for worker trips specified above (California Air Resources Board [CARB] 2015). Low-sulfur Diesel CA-GREET 3.0 fuel specification of 127,464 Btu/gallon used to identify conversion rate for fuel energy consumption for construction equipment specified above (Schremp 2017). Notes: Totals may not add up due to rounding.

Source: Attachment A (of the Energy Memo)

Based on the CalEEMod, the Level of Service (LOS) are the number and length of on-road vehicle trips for workers, vendors, and hauling for each construction phase. The trips identified in **Table 6-2, *Estimated Project Annual Transportation Energy Consumption*** are based on the CalEEMod default parameters, with the exception of trips during demolition which have been adjusted based on information provided by the project Applicant. It should be noted that, in accordance with the "Project Type Screening" recommended in the City of Moreno Valley Traffic Impact Preparation Guide, June 2020, this local serving retail project of less than 50,000 square feet can be presumed to have less than significant impacts. A complete project-level vehicle miles travelled (VMT) analysis was not conducted for this Project.

**Table 6-2
Estimated Project Annual Transportation Energy Consumption**

Vehicle Type ¹	Percent of Vehicle Trips ²	Annual Vehicle Miles Traveled ³	Average Fuel Economy (miles/gallon) ⁴	Total Annual Fuel Consumption (gallons)	Total Fuel Consumption (MMBtu) ⁵
Passenger Cars	54.6	2,505,177	24	104,382	11,460
Light/Medium Trucks	33.8	1,553,206	17.4	89,265	9,800
Heavy Trucks/Other	11.1	512,946	7.4	69,317	8,835
Motorcycles	0.5	20,881	43.9	476	52
Total	100.0	4,592,214	-	--	30,147

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

¹ Vehicle classes provided in CalEEMod do not correspond exactly to vehicle classes in DOT fuel consumption data, except for motorcycles. Therefore, it was assumed that passenger cars correspond to the light-duty, short-base vehicle class, light/medium trucks correspond to the light-duty long-base vehicle class, and heavy trucks/other correspond to the single unit, 2-axle 6-tire or more class. Fuel type for each class was categorized as gasoline, with the exception of "heavy trucks/other," which was categorized as diesel, as based on CalEEMod defaults.

² Percent of vehicle trips from Table 4.4 "Fleet Mix" in CalEEMod run (Urban Crossroads 2020).

³ Mitigated annual VMT found in Table 4.2 "Trip Summary Information" in CalEEMod run (Urban Crossroads 2020).

⁴ Average Fuel Economy: U.S. Department of Energy 2018.

⁵ CaRFG fuel specification of 109,786 Btu/gallon used to identify conversion rate for fuel energy consumption for passenger cars and motorcycles. (CARB 2015). Low-sulfur Diesel CA-GREET 3.0 fuel specification of 127,464 Btu/gallon used to identify conversion rate for fuel energy consumption for light/medium trucks and heavy trucks/other (Shremp 2017).

Notes: Totals may not add up due to rounding.

Source: Attachment A (of the Energy Memo)

Electricity used during construction to provide temporary power for lighting and electronic equipment (e.g., computers, etc.) inside temporary construction trailers and for outdoor lighting when necessary for general construction activity would generally not result in a substantial increase in on-site electricity use. Electricity use during construction would be variable depending on lighting needs and the use of electric-powered equipment and would be temporary for the duration of construction activities. Thus, electricity use during construction would generally be considered negligible, and as such, the proposed project will not result in wasteful, inefficient, or unnecessary energy consumption that could result in a significant adverse impact to energy issues based on compliance with the referenced laws, regulations and guidelines.

Energy Conservation: Regulatory Compliance

The City of Moreno Valley has adopted a Source Reduction and Recycling Element (SRRE) that requires the solid waste that will be generated by the project to be recycled and the materials that cannot be recycled would be hauled to a County landfill. The City's waste hauler would actively recycle the solid waste generated by the project to reduce the amount of material that is hauled to a landfill. As required by Assembly Bill 939 (AB 939) and the City's SRRE, the solid waste generated by the project will be recycled and the materials that cannot be recycled hauled to a landfill operated by the County of Riverside. Project compliance with CALGreen and the City's SRRE will reduce and conserve energy.

During construction, the proposed project will utilize construction equipment that is CARB approved, minimizing emissions generated and electricity required to the extent feasible (through implementation of **Mitigation Measure MM-AQ-1**, provided under Section 3, Air Quality). As stated in Section 3, Air Quality, the construction of this project would require mitigation to minimize emissions impacts from construction equipment use. This mitigation measure requires that the construction contractor ensures that off-road diesel construction equipment greater than 150 horsepower (hp) complies with Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 3 emissions standards.

Additionally, the project structures must be constructed in conformance with a variety of existing energy efficiency regulatory requirements or guidelines including:

- Compliance California Green Building Standards Code, AKA the CalGreen Code (Title 24, Part 11), which became effective on January 1, 2017. The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of building through the use of building concepts encouraging sustainable construction practices.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

- The provisions of the CALGreen code apply to the planning, design, operation, construction, use, and occupancy of every newly construction building.
- Compliance The Building Energy Efficiency Standards (CBSC) would ensure that the building energy use associated with the proposed project would not be wasteful or unnecessary.
- Compliance with Indoor Water use consumption reduced through the maximum fixture water use rates.
- Compliance with diversion of construction and demolition materials from landfills.
- Compliance with AQMD Mandatory use of low-pollutant emitting finish materials.
- Compliance with AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions.
- Compliance with diesel exhaust emissions from diesel vehicles and off-road diesel vehicle/equipment operations.
- Compliance with these regulatory requirements for operational energy use and construction energy use would not be wasteful or unnecessary use of energy.

Further, Southern California Edison (SCE) is presently in compliance with State renewable energy supply requirements and SCE will supply electricity to the project.

Operational Energy Consumption

The daily operation of the project would generate a demand for electricity, natural gas, and water supply, as well as generating wastewater requiring conveyance, treatment and disposal off-site, and solid waste requiring off-site disposal. Southern California Edison is the electrical purveyor in the City of Moreno Valley and would provide electricity to the project. The Southern California Gas Company is the natural gas purveyor in the City of Moreno Valley would provide natural gas to the project.

Based on a review of the Moreno Valley General Plan EIR, the proposed project, which has been deemed in compliance with the City’s General Plan Land Use Designation for the site, would fit within the context of the analysis of the electricity, natural gas, and other energy facility demands that were projected to occur at build-out of the City. As build-out of the City has not yet occurred, and the project fits within the context of the City’s planned development, the energy demanded by the proposed project would not be inefficient, wasteful, or unnecessary as the City’s General Plan EIR determined that development associated with build-out of the City would have a less than significant impact on energy resources. No mitigation beyond those identified above are required.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

Based on the analysis in the preceding discussion, the project is subject to California Building Code requirements. New buildings must achieve compliance with 2019 Building and Energy Efficiency Standards and the 2019 California Green Building Standards requirements.

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

The project would provide for, and promote, energy efficiencies equal to or beyond those required under other applicable federal and State of California standards and regulations, and in so doing would meet or exceed all California Building Standards Code Title 24 standards. Moreover, energy consumed by the project's operation is anticipated to be comparable to, or less than, energy consumed by other residential uses of similar scale and intensity that are constructed and operating in California, and more specifically, the proposed project would demand energy within the context of the City's planned development as demonstrated in the General Plan EIR, and perhaps would generate less energy than anticipated when the General Plan was adopted as energy efficiency standards have become more stringent in the 15 years since that document was developed. On this basis, the project would not result in the inefficient, wasteful, or unnecessary consumption of energy. Further, the project would not cause or result in the need for additional energy producing facilities or energy delivery systems.

Mitigation Measures

MM-AQ-1 During the site preparation phase, construction equipment, the construction contractor shall ensure that off-road diesel construction equipment greater than 150 horsepower (hp) complies with Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications.

Sources:

1. Moreno Valley General Plan, May 20, 2021 (April 2, 2021)
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. Southern California Edison. Schedule D Domestic Service. *Regulatory Information – Rates Pricing* https://library.sce.com/content/dam/sce-doclib/public/regulatory/tariff/electric/schedules/residential-rates/ELECTRIC_SCHEDULES_D.pdf
5. California Department of Transportation. EMFAC Software <http://www.dot.ca.gov/hq/env/air/pages/emfac.htm>
6. State of California. Title 24, Part 6, of the California Code of Regulations. *California's Energy Efficiency Standards for Residential and Nonresidential Buildings* <http://www.energy.ca.gov/title24/>
7. *Moreno Valley Commercial Air Quality Impact Analysis, City of Moreno Valley*, prepared by Urban Crossroads, 10-18-2020 (AQIA, **Appendix A**)
8. *Focused Traffic Impact Study Update, New Commercial and Office Plaza, NWC of Alessandro Blvd. and Lasselle St., Moreno Valley (Traffic Report)*, prepared by K2 Traffic Engineering, Inc., 4-6-2021 (**Appendix K**)
9. *Energy Technical Memorandum for the Alessandro and Lasselle Commercial Center Project*, prepared by Rincon Consultants, Inc., 10-20-2020 (**Appendix D**)

7. GEOLOGY AND SOILS – Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
---	--------------------------------	--	------------------------------	-----------

<p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? https://www.conservation.ca.gov/cgs/Documents/SP_042.pdf</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

According to the *Geotechnical Investigation* prepared for the project, the site is not located within an Alquist-Priolo Special Study Zone.

The San Jacinto Fault, with an approximate source to site distance of 6.73 kilometers is the closest known active fault anticipated to produce the highest ground accelerations, with an anticipated maximum modal magnitude of 7.7.

Based on this information, the risk for ground rupture at the site location is low; therefore, it is not likely that future residents and visitors of the project will be subject to rupture from a known earthquake fault. Therefore, any impacts under this issue are considered less than significant; no mitigation is required.

<p>ii) Strong seismic ground shaking?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

As stated in the discussion in Threshold 7.a.i., the San Jacinto Fault (with an approximate source to site distance of 6.73 kilometers) is the closest known active fault anticipated to produce the highest ground accelerations, with an anticipated maximum modal magnitude of 7.7.

All proposed structures will be subject to strong seismic ground shaking impacts should any major earthquakes occur in the future. Like all other development projects in the City and throughout the Southern California region, the proposed project will be subject to seismic ground shaking and will required to comply with all applicable seismic design standards contained in the 2019 California Building Code (CBC), including Section 1613 Earthquake Loads. Compliance with the CBC will ensure that structural integrity of the occupied buildings will be maintained in the event of an earthquake. Therefore, impacts associated with strong ground shaking will be less than significant without mitigation.

<p>iii) Seismic-related ground failure, including liquefaction?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

According to the *Geotechnical Investigation*, liquefaction occurs as a result of a substantial loss of shear strength or shearing resistance in loose, saturated, cohesionless earth materials subjected to earthquake induced ground shaking. Potential impacts from liquefaction include loss of bearing capacity, liquefaction

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

related settlement, lateral movements, and surface manifestation such as sand boils. Seismically induced settlement occurs when loose sandy soils become denser when subjected to shaking during an earthquake. The three factors determining whether a site is likely to be subject to liquefaction include seismic shaking, type and consistency of earth materials, and groundwater level. The proposed structures will be supported by compacted fill and competent alluvium, with no shallow groundwater.

As such, the potential for earthquake induced liquefaction and lateral spreading beneath the proposed structures is considered very low to remote due to the recommended compacted fill, relatively low groundwater level, and the dense nature of the deeper onsite earth materials.

Therefore, it is anticipated that the project will have a less than significant potential to expose people or structures to substantial adverse liquefaction hazards, including the risk of loss, injury, or death involving liquefaction. No mitigation is required.

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-----------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Response: No Impact

According to the *Geotechnical Investigation*, landslide debris was not observed during subsurface exploration and no ancient landslides are known to exist on the site. No landslides are known to exist, or have been mapped, in the vicinity of the site. Geologic mapping of the site conducted during geotechnical investigation, and review of aerial imagery of the site, reveal no geomorphic expressions indicative of landsliding.

As such, given that the project site is essentially flat, and it is not located in an area in which landslides are anticipated to occur, the project will not expose people or structures to potential substantial adverse landslide effects, including the risk of loss, injury, or death involving landslides. There will be no impacts under this issue and no mitigation is required.

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	-------------------------------------	--------------------------	--------------------------

Response: Less Than Significant With Mitigation Incorporated

The potential for soil erosion, loss of topsoil, and/or developing the site on unstable soils is anticipated to be marginally possible at the site during ground disturbance associated with construction. The project site is vacant with minimal vegetation coverage. Wind erosion can be minimized through implementing mandated soil stabilization measures by South Coast Air Quality Management District (SCAQMD) Rule 403 (Fugitive Dust), such as daily watering. Water erosion will be prevented through the City's standard, mandated, erosion control practices required pursuant to the CBC and the National Pollution Discharge Elimination System (NPDES), such as silt fencing, fiber rolls, or sandbags. Additionally, best management practices, Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Plan (WQMP) are required to control the potential significant erosion hazards. During project construction when soils are exposed, temporary soil erosion could occur, which could be exacerbated by rainfall. Project grading would be managed through the preparation and implementation of a SWPPP and will be required to implement best management practices to achieve concurrent water quality controls after construction is completed and the project is occupied. **Mitigation Measures MM-GEO-1** and **MM-GEO-2** shall be implemented: or equivalent best management practices (BMPs) shall be implemented to address these issues.

After the project is constructed, the site will be covered completely by paving, structures, and landscaping.

The City has standard conditions of approval (COAs) that require a project to comply with erosion control and dust suppression regulations of the South Coast Air Quality Management District (SCAQMD) as well as erosion control and water quality requirements of the City's MS4 permit. Compliance with the City's standard COAs related to dust and erosion control is considered regulatory compliance and are not unique mitigation under CEQA. Therefore, with implementation of the above mitigation measures, and compliance with the applicable regulations, any impacts under this issue are considered less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Response: Less Than Significant With Mitigation Incorporated

Refer to the prior discussion under Threshold 7.a (i. – iv.). Potential instability associated with slope stability related to the project was determined to be less than significant, as was the potential for liquefaction hazards at the site, as the site itself is not mapped as being located within a liquefaction or landslide zone. The earth materials on the site are primarily comprised of Quaternary alluvial materials and Bedrock. Quaternary very old fan deposits were encountered to a maximum depth of 51.5 feet. These alluvial deposits consist predominately of interlayered yellowish brown to brown, fine to coarse grained silty sand and poorly graded sand with gravel. These deposits were generally noted to be in a slightly moist to moist, medium dense to dense state

The proposed project is unlikely to be susceptible to collapse, and compliance with the 2019 CBC (or most recent version applicable at building permit issuance) would minimize any impacts thereof. **Mitigation Measure MM-GEO-3** shall be implemented that will enforce the overall geotechnical design parameters introduced in the Geotechnical Evaluation.

Furthermore, the proposed project would be required to comply with the City's standard COAs as they apply to soil instability; compliance thereof would minimize impacts related to soil instability. Therefore, with the implementation of **Mitigation Measure MM-GEO-3**, the project will not have a significant potential to be located

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse. Any impacts are considered less than significant with incorporation of mitigation.

D) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	-------------------------------------	--------------------------	--------------------------

Response: Less Than Significant With Mitigation Incorporated

According to the *Geotechnical Investigation*, laboratory test results indicate that the earth materials onsite exhibit a very low expansion potential as classified in accordance with 2019 CBC Section 1803.5.3 and ASTM D 4829.

The proposed project would also be required to comply with **Mitigation Measure MM-GEO-3**, which would ensure that design recommendations outlined in the *Geotechnical Evaluation* are implemented to ensure soil stability upon development of the project. Additionally, the proposed project would be required to comply with the City's standard COAs as they apply to soil instability; compliance thereof would minimize impacts related to soil instability. Furthermore, expansive soils are typically clay type soils, and given that no clay type soils exist at the project site, with implementation of **MM-GEO-3**, the development of the project would have a less than significant potential to create a substantial risk to life or property by being placed on expansive soils because none exist on the site.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

Response: No Impact

The project does not propose any septic tanks or alternative wastewater disposal systems as it will connect to the existing Eastern Municipal Water District (EMWD) sewer system. Therefore, determining if the project site soils are capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater does not apply. There will be no impacts and no mitigation is required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	-------------------------------------	--------------------------	--------------------------

Response: Less Than Significant With Mitigation Incorporated

According to the *Paleo Assessment*, based upon a paleontological literature review and a collections and records search conducted by the Geological Sciences Division of the San

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Bernardino County Museum in Redlands, California for the nearby Moreno Valley Logistics Center Project, older Pleistocene alluvial fan deposits have a high potential to contain significant nonrenewable paleontological resources (i.e., fossils) and were assigned a “high paleontological resource sensitivity.” Similar older Pleistocene sediments throughout the lowland (valley) areas of western Riverside County and the Inland Empire have been reported to yield significant fossils of extinct terrestrial mammals from the last Ice Age, such as mammoths, mastodons, giant ground sloths, dire wolves, short-faced bears, saber-toothed cats, large and small horses, camels, and bison.

A collections and records search report solicited from the Vertebrate Paleontology Section of the Natural History Museum of Los Angeles County for the Brodiaea Avenue and Heacock Street Warehouse Project also did not identify any known fossil localities within the boundaries of the proposed project, nor within at least one mile in any direction. The closest recorded fossil locality, which yielded late Pleistocene fossil horse remains (*Equus* sp.) from a location more than eight miles distant to the east of the current project, near or in the San Timoteo Badlands, east of the city of Moreno Valley.

The existence of potentially fossiliferous Quaternary very old alluvial fan deposits mapped across the project; the known occurrence of terrestrial vertebrate fossils at relatively shallow depths from Quaternary older alluvial fan sediments across the Inland Empire of western Riverside County; and the High Paleontological Potential/Sensitivity (High B) typically assigned to Quaternary older alluvial fan sediments all support the recommendation that paleontological monitoring be required during mass grading, trenching, and excavation activities in undisturbed, Quaternary, older alluvial fan sediments in order to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources. Monitoring is recommended on a full-time basis for excavations exceeding five feet in depth in undisturbed deposits at the project. Since ground-disturbing activities still have the potential to disturb previously unknown resources, **Mitigation Measure MM-GEO-4** shall be implemented. **Mitigation Measure MM-GEO-4** calls for the preparation of a Mitigation Monitoring and Reporting Program (MMRP) for paleontological resources. This proposed MMRP would mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources (fossils), if present, to a level below significant. No additional mitigation is required.

Mitigation Measures

MM-GEO-1 Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. Where covering is not possible, measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the project site for future cleanup such that erosion does not occur.

MM-GEO-2 All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the project is being constructed.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

MM-GEO-3 Based upon the *Geotechnical Investigation*, all of the recommended design parameters identified (pp. 6-20) shall be implemented by the Applicant. Implementation of these specific measures will address all of the identified geotechnical constraints identified at project site, including remediation to address subsidence.

MM-GEO-4 Monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources by a qualified paleontologist or paleontological monitor. Full-time monitoring will be conducted in areas of grading or excavation in undisturbed, very old alluvial fan sediments, starting at a depth of five feet below the surface. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified paleontological personnel to have a low potential to contain or yield fossil resources.

Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils are collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes are taken on the map location and stratigraphy of the site, and the site is photographed before it is vacated, and the fossils are removed to a safe place. On mass grading projects, any discovered fossil site is protected by red flagging to prevent it from being overrun by earthmovers (scrapers) before salvage begins. Fossils are collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld Global Positioning System units. If the site involves a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, Brian F. Smith and Associates, Inc. (BFSA) will send a fossil recovery crew in to excavate around the find, encase the find within a plaster jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment is solicited to help remove the jacket to a safe location before it is returned to the BFSA laboratory facility for preparation.

Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry-screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

of small pieces of bones within the sediments. If present, as many as 20 to 40 five- gallon buckets of sediment can be collected and returned to a separate facility to wet- screen the sediment. In the laboratory, individual fossils are cleaned of extraneous matrix, any breaks are repaired, and the specimen, if needed, is stabilized by soaking in an archivally approved acrylic hardener (e.g., a solution of acetone and Paraloid B-72).

Preparation of recovered specimens to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.

Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (e.g., the Western Science Center, 2345 Searl Parkway, Hemet, California 92543). The paleontological program should include a written repository agreement prior to the initiation of mitigation activities.

Preparation of a final monitoring and mitigation report (MMRP) of findings and significance, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location. The report, when submitted to the appropriate lead agency (City of Moreno Valley), will signify satisfactory completion of the project program to mitigate impacts to any paleontological resources.

Decisions regarding the intensity of the MMRP will be made by the project paleontologist based upon the significance of the paleontological resources and their biostratigraphic, biochronologic, paleoecologic, taphonomic, and taxonomic attributes, not upon the ability of a project proponent to fund the MMRP.

Sources:

1. Moreno Valley General Plan, May 20, 2021 (April 2, 2021)
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. Moreno Valley Municipal Code Chapter 8.21 – Grading Regulations
5. *Revised Updated Preliminary Geotechnical Investigation Report, Proposed Commercial Development, PEN19-0039 Through PEN19-0045, Assessor's Parcel Number 479-631-010, Located at the Northwest Corner of Alessandro Boulevard and Lasselle Street, City of Moreno Valley, Riverside County, California*, prepared by Earth Strata Geotechnical Services, Inc. 1-8-2021 (*Geotechnical Investigation, Appendix E*)
6. *Paleontological Assessment for the Commercial Center Shell Gas Station Express Car Wash Office Building Project*, prepared by Brian F. Smith and Associates, Inc., 6-4-2020 (*Paleo Assessment, Appendix F*)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

8. GREENHOUSE GAS EMISSIONS – Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Note: Any tables or figures in this section are from the *GHG Analysis*, unless otherwise noted.

Response: *Less Than Significant Impact*

The City of Moreno Valley has not adopted its own numeric threshold of significance for determining impacts with respect to Greenhouse Gas (GHG) emissions. A screening threshold of 3,000 MTCO₂e/yr. will be utilized to determine if additional analysis is required is an acceptable approach for small projects (which is applicable to the proposed Project).

Construction Activity GHG Emissions

Project construction activities would generate CO₂ and CH₄ emissions. As discussed in the *Air Quality Impact Analysis*, Construction related emissions are expected from the following construction activities:

- Site Preparation
- Grading
- Building Construction
- Paving
- Architectural Coating

Construction was expected to commence in January 2021 and last through February 2022. While January 2021 has passed, and construction will go past February 2022, the analysis represents a worst-case scenario, as GHG emissions improve over time due to the introduction of new technologies and larger vehicle fleets utilizing energy sources alternative to fossil fuels. For construction phase Project emissions, GHGs are quantified and amortized over the life of the Project. To amortize the emissions over the life of the Project, the SCAQMD recommends calculating the total GHG emissions for the construction activities, dividing it by a 30-year Project life then adding that number to the annual operational phase GHG emissions. As such, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions. The amortized construction emissions are presented in **Table 8-1, *Amortized Annual Construction Emissions***.

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

**Table 8-1
Amortized Annual Construction Emissions**

Year	Emissions (metric tons per year)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ e
2021	566.70	0.10	0.00	569.26
2022	25.36	0.01	0.00	25.52
Total	592.06	0.11	0.00	594.78
Amortized Construction Emissions (MTCO₂e)	19.74	0.00	0.00	19.83

Operational GHG Emissions

Operational activities associated with the Project will result in emissions of CO₂, CH₄, and N₂O from the following primary sources:

- Area Source Emissions
- Energy Source Emissions
- Mobile Source Emissions
- Water Supply, Treatment, and Distribution
- Solid Waste

The annual GHG emissions associated with the operation of the proposed Project are summarized in **Table 8-2, Project GHG Emissions**. As shown, the Project would generate approximately 2,941.82 MTCO₂e/yr.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

**Table 8-2
Project GHG Emissions**

Emission Source	Emissions (MT/yr.)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ e
Annual construction-related emissions amortized over 30 years	19.74	0.00	0.00	19.83
Area Source	6.25E-03	2.00E-05	0.00	6.66E-03
Energy Source	529.71	0.02	6.66E-03	532.12
Mobile Source	2,218.93	0.22	0.00	2,224.51
Waste	43.03	2.54	0.00	106.62
Water Usage	48.78	0.31	7.61E-03	58.74
Total CO₂e (All Sources)	2,941.82			

As shown on **Table 8-2**, the Project will result in a net total of approximately 2,941.82 MTCO₂/yr.; the proposed Project would not exceed the SCAQMD/City's screening threshold of 3,000 MTCO₂e/yr. Thus, the Project would not have the potential to result in a cumulatively considerable impact with respect to GHG emissions. As such, a less than significant impact is expected. No mitigation is required.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact

Pursuant to 15604.4 of the CEQA Guidelines, a lead agency may rely on qualitative analysis or performance-based standards to determine the significance of impacts from GHG emissions. As such, the Project's consistency with SB 32 (2017 Scoping Plan), is discussed in Table 3-5 of the *GHG Analysis, 2017 Scoping Plan Consistency of the GHG Analysis*. Consistency with AB 32 and the 2008 Scoping Plan is not necessary, since the target year for AB 32 and the 2008 Scoping Plan was 2020. It should be noted that if the project is commenced and completed after the dates cited in the *GHG Analysis* then the emission estimate for the project is a worst-case as greenhouse gas and other air pollutant emissions tend to go down over time due to more stringent emission standards for vehicles which are a primary source of such pollutants.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

SB 32/2017 Scoping Plan Consistency

The 2017 Scoping Plan Update reflects the 2030 target of a 40% reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. Table 3-5 of the *GHG Analysis* summarizes the Project’s consistency with the 2017 Scoping Plan. As summarized, the Project will not conflict with any of the provisions of the Scoping Plan and in fact supports seven of the action categories.

As shown in Table 3-5 of the *GHG Analysis*, the Project would not conflict with any of the 2017 Scoping Plan elements as any regulations adopted would apply directly or indirectly to the Project. Further, recent studies show that the State’s existing and proposed regulatory framework will allow the State to reduce its GHG emissions level to 40% below 1990 levels by 2030.

City of Moreno Valley General Plan Measures Consistency

The City of Moreno Valley General Plan does not identify specific GHG or climate change policies or goal, a number of the measures identified in the General Plan’s Air Quality Element act to reduce or control criteria pollutant emissions and peripherally reduce GHG emissions. As shown on Table 3-6 of the *GHG Analysis*, the Project has been evaluated for consistency with the City’s General Plan Air Quality Element. The project is consistent with the City’s General Plan.

City of Moreno Valley Energy Efficiency And CAS (Climate Action Strategy) Consistency

The City of Moreno Valley released an Energy Efficiency and CAS as well as a GHG Analysis for public review on May 8, 2012. The documents were approved on October 9, 2012. The CAS identifies ways that the City can reduce energy and water consumption and GHG emissions as an organization (its employees and the operation of its facilities) and outlines the actions that the City can encourage, and community members can employ to reduce their own energy and water consumption and GHG emissions. The policies in the document are to reduce GHG emissions in 2010 by 15% by 2020. Table 3-7, City of Moreno Valley General Plan Consistency of the *GHG Analysis* consists of an analysis of Project consistency with the policies in the CAS. The project has been found to be consistent with the policies in the CAS (unless the policies are not applicable).

Based on this analysis, the Project would not conflict with any applicable plan, policy or regulation, a less than significant impact is expected. No mitigation is required.

Mitigation Measures

No mitigation is required.

Sources:

1. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
2. California’s 2017 Climate Change Scoping Plan, prepared by the California Air Resources Board, November 2017
https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

3. *Moreno Valley Commercial Greenhouse Gas Analysis, City of Moreno Valley, Urban Crossroads, 10-14-2020 (GHG Analysis, Appendix G)*

9. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

The Project may create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The Project consists of the development of a commercial center with a variety of auto-oriented uses such as a car wash, gas station, drive-through restaurants, as well as other retail uses; operation of such uses would involve the use of hazardous materials.

In particular, the transport, storage, and use of petroleum products is typical for gas stations. However, compliance with industry standards, and state and federal regulations for fueling stations mitigate the impacts of the transport, use, and dispensing of petroleum products to a less than significant level.

Standard cleaning supplies would also be used in small quantities to support the commercial activities. Compliance with all Federal, State, and local regulations governing the storage and use of hazardous materials is required and will ensure that the Project operates in a manner that poses no substantial hazards to the public or the environment.

During construction, there would be the transport, use, and disposal of hazardous materials and wastes that are typical of construction projects. This would include fuels and lubricants for construction machinery, paint and other coating materials, etc. Routine construction control measures and best management practices for hazardous materials storage, application, waste disposal, accident prevention and clean-up, etc. would be sufficient to reduce potential impacts to a less than significant level.

As is discussed in the Air Quality Study, by complying with SCAQMD regulations and methodologies pertaining to air quality pollutants generated from the dispensing of gasoline, impacts are less than significant.

Therefore, because the transport, use, storage, and disposal of hazardous materials pertaining to the proposed Project would be relatively minor and subject to existing regulations, the impact is considered less than significant. Use of common household hazardous materials and their disposal does not present a substantial health risk to the community. Impacts associated with the routine transport and use of hazardous materials or wastes will be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	-------------------------------------	--------------------------	--------------------------

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

involving the release of hazardous materials into the environment?

Response: *Less Than Significant With Mitigation Incorporated*

The Project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. A *Phase I Environmental Site Assessment (Phase I ESA)* has been prepared for the Project. Based on readily available historic information, the Site has been vacant and undeveloped land since at least 1938. The surrounding properties appear to historically have been vacant land or utilized for agricultural uses since at least 1938. The residential development to the west and north of the site can be observed in an aerial photograph dated 1989. The *Phase I ESA* has not revealed evidence of an environmental condition or concern in connection with the project site, therefore existing circumstances at the project site are not anticipated to exacerbate the potential for accidental exposure to hazardous materials.

During construction there is a potential for accidental release of petroleum products in sufficient quantity to pose a significant hazard to people and the environment. The following mitigation measure will be incorporated into the Storm Water Pollution Prevention Plan (SWPPP) prepared for the Project and implementation of **Mitigation Measure MM-HAZ-1** can reduce this potential hazard to a less than significant level.

Additionally, during the operation of the gas station, there is a potential for accidental release of petroleum products in sufficient quantity to pose a significant hazard to people and the environment. Compliance of modern standards of gas station operations (automatic shut-off valves in case of accident, regular inspections of underground storage tanks, etc), and implementation of **Mitigation Measure MM-HAZ-1** will reduce this potential hazard to less than significant level.

With implementation of the above mitigation measure, as well as adherence to existing local, state and federal regulations as they pertain to the treatment of hazardous materials, the proposed Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Response: *Less Than Significant Impact*

The Project site is located within the boundaries of the Moreno Valley Unified School District (MVUSD) which provides comprehensive educational services and facilities for students in Kindergarten through 12th grade. Additionally, the City is home to several private schools. The proposed Project is located approximately one quarter mile away from Hendrick Ranch Elementary School. As stated above, day-to-day commercial operations of the Project would not involve the use of a substantial amount of hazardous materials. Furthermore, as stated above compliance with all Federal, State, and local

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

regulations governing the storage and use of hazardous materials is required and will ensure that the Project operates in a manner that poses no substantial hazards to the public or the environment. Thus, while the proposed Project is located near a school, the proposed use would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No adverse impacts are anticipated and therefore impacts under this issue are considered less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to [Government Code section 65962.5](#) and, as a result, would it create a significant hazard to the public or the environment?

Response: *Less Than Significant Impact*

The Project will not be located on a site that is included on a list of hazardous materials sites that are currently under remediation. According to the California State Water Board's GeoTracker website (consistent with Government Code Section 65962.5), which provides information regarding Leaking Underground Storage Tanks (LUST), there are no open LUST clean-up sites within 5,280 feet of the project site (**Figure 9-1, GEOTRACKER**). These LUST clean-up sites are no longer considered hazardous to the environment and as such would not impact development at this site and there are no clean-up sites that have been closed and remediated.

The proposed Project is also not located on a site listed on the state Cortese List, a compilation of various sites throughout the state that have been compromised due to soil or groundwater contamination from past uses (**Figure 9-2, ENVIROSTOR**). *The Phase I ESA* concluded none of these sites represents a and environmental concern to the project site in terms of hazardous materials. Finally, the project site is not:

- Listed as a hazardous waste and substance site by the Department of Toxic Substances Control (DTSC);
- Listed as a leaking underground storage tank (LUST) site by the State Water Resources Control Board (SWRCB);
- Listed as a hazardous solid waste disposal site by the SWRCB;
- Currently subject to a Cease and Desist Order (CDO) or a Cleanup and Abatement Order (CAO) as issued by the SWRCB; or
- Developed with a hazardous waste facility subject to corrective action by the DTSC.

Therefore, the proposed construction and operation of the site will have a less than significant potential to create a significant hazard to the population or to the environment from their implementation.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport

V. ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
---	--------------------------------	--	------------------------------	-----------

or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				
---	--	--	--	--

Response: No Impact

The proposed project site is not located within two miles of an airport or private airstrip. The closest airport to the project site is the March Air Reserve Base/Inland Port Airport, which is located approximately 2.5 miles to the southwest of the project site as shown on the Moreno Valley General Plan Airport Land Use Compatibility Zone (**Figure 9-3, Airport Land Use Compatibility Zone**). The proposed Project is located outside of the airport crash hazard zone. While the proposed Project is located within the Federal Aviation Regulation (FAR) Part 77 Military Outer Horizontal Surface Limits, the proposed Project will comply with the regulations thereof, which would minimize any potential for a safety hazard or excessive noise for people residing within, working at, or visiting the project site. Therefore, the Project will have no potential to result in a safety hazard or excessive noise for people residing or working in the project area, and no mitigation is required.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact

According to the City's General Plan EIR, the City of Moreno Valley uses the Standardized Emergency Management System (SEMS) when responding to emergencies. The system was established to provide an organized, systematic approach in responding to disaster events. The system includes the following phases: preparedness, response, recovery, and mitigation. The proposed Project is located along Alessandro Boulevard. It is not anticipated that development of the project site would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan because the site activities will be confined within the proposed project site. The proposed onsite parking and circulation plans will be reviewed by the local Fire Department and City Engineering Department to ensure that the Project's ingress/egress are adequate for accommodating emergency vehicles. Therefore, through compliance with the City's established emergency response plans and through review of the Project by the Fire Department and City Engineering Department, there is a less than significant potential for the development of the Project to physically interfere with any adopted emergency response plans, or evacuation plans.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Response: No Impact

According to the CAL FIRE Fire Hazard Severity Zone (FHSZ) Map, the proposed Project is not located within a high fire hazard zone. Much of the very high fire hazard severity zone within the City is located adjacent to or within hillsides located to the northern and southeastern

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

boundaries of the City (reference **Figure 9-4, Fire Hazard Severity Zones**). Therefore, Project implementation would not result and a potential to expose people or structures to fire hazards. Potential Project-related impacts are less than significant; no mitigation measures are required.

Mitigation Measures

MM-HAZ-1 All spills or leakage of petroleum products during construction or operational activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility. This measure will be incorporated into the SWPPP prepared for the project development.

Sources:

1. Moreno Valley General Plan, May 20, 2021 (April 2, 2021)
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 6 – Safety Element – Section 6.2.8 – Wildland Urban Interface
 - Chapter 6 – Safety Element – Section 6.9 – Hazardous Materials
 - Chapter 6 – Safety Element – Section 6.10 – Air Crash Hazards
 - Figure 6-5 – Air Crash Hazards
4. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.5 – Hazards and Hazardous Materials
 - Figure 5.5-1 – Hazardous Materials Sites
 - Figure 5.5-2 – Floodplains and High Fire Hazard Areas
 - Figure 5.5-3 – City Areas Affected by Aircraft Hazard Zones
5. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
6. March Air Reserve Base (MARB)/March Inland Port (MIP) Airport Land Use Compatibility Plan (ALUCP) on November 13, 2014, (<http://www.rcaluc.org/Portals/13/17%20-%20Vol.%201%20March%20Air%20Reserve%20Base%20Final.pdf?ver=2016-08-15-145812-700>)
7. Local Hazard Mitigation Plan, City of Moreno Valley Fire Department, adopted October 4, 2011, amended 2017, (http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf)
 - Chapter 5 – Wildland and Urban Fires
 - Figure 5-2 – Moreno Valley High Fire Area Map 2016
 - Chapter 12 – Dam Failure/Inundation
 - Figure 12-2 Moreno Valley Evacuation Routes Map 2015
 - Chapter 13 – Pipeline
 - Figure 13-1 – Moreno Valley Pipeline Map 2016
 - Chapter 14 – Transportation
 - Figure 14-1.1 – Moreno Valley Air Crash Hazard Area Map 2016
 - Chapter 16 – Hazardous Materials Accident
 - Moreno Valley Hazardous Materials Site Locations Map 2016
8. Emergency Operations Plan, City of Moreno Valley, March 2009, (http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf)
 - Hazard Mitigation and Hazard Analysis

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

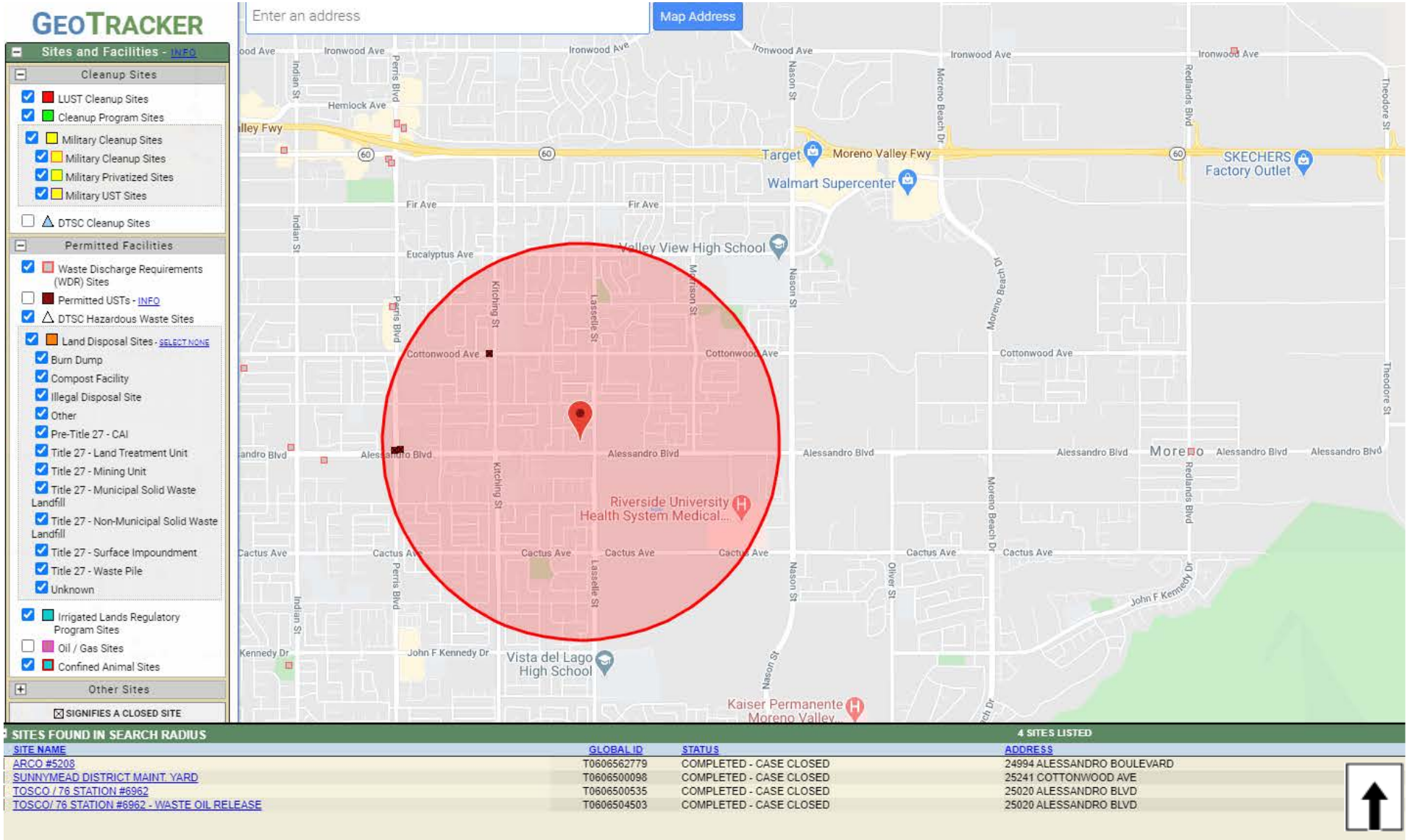
No Impact

2.b

- Threat Assessment 2 – Hazardous Materials
- Threat Assessment 3 – Wildfire
- Threat Assessment 6 – Transportation Emergencies
 - Figure 17 – Air Crash Hazards
- 9. CALFIRE FHSZ Viewer: <https://egis.fire.ca.gov/FHSZ/>
- 10. *Phase I Environmental Site Assessment of Undeveloped Property Assessor's Parcel Number 479-631-010 Moreno Valley, California 92553*, prepared by Earth Strata Geotechnical Services, 10-16-2020 (*Phase I ESA, Appendix H*)
- 11. Geotracker Website <https://geotracker.waterboards.ca.gov/map/>
- 12. Envirostor Website <https://www.envirostor.dtsc.ca.gov/public/>
- 13. Google Maps www.google.com/maps

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

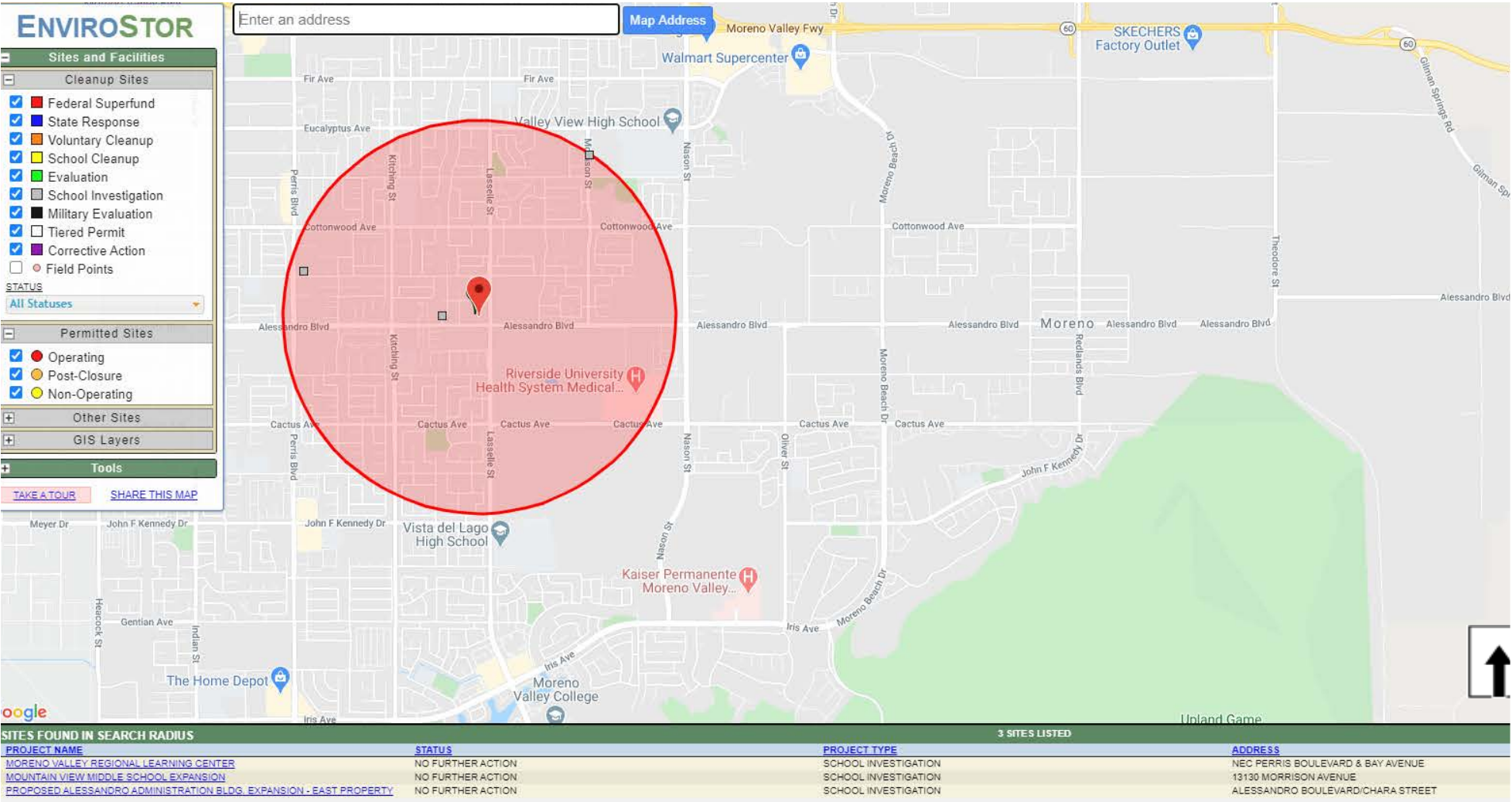
**FIGURE 9-1
GEOTRACKER - 1 MILE RADIUS**



Source: Geotracker Website <https://geotracker.waterboards.ca.gov/map/>

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

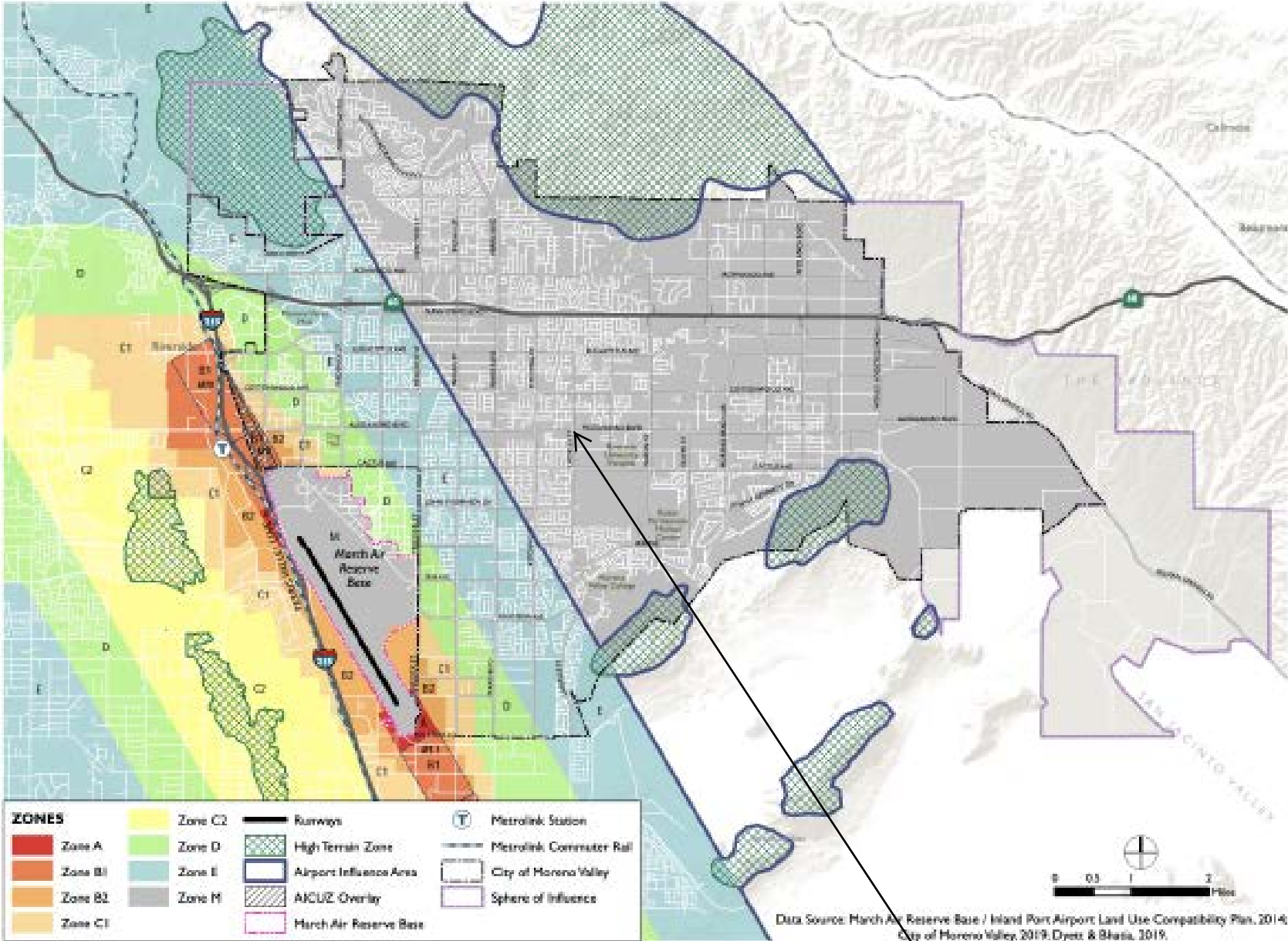
**FIGURE 9-2
ENVIROSTOR - 1 MILE RADIUS**



Source: Envirostor Website <https://www.envirostor.dtsc.ca.gov/public/>

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

FIGURE 9-3
AIRPORT LAND USE COMPATIBILITY ZONE

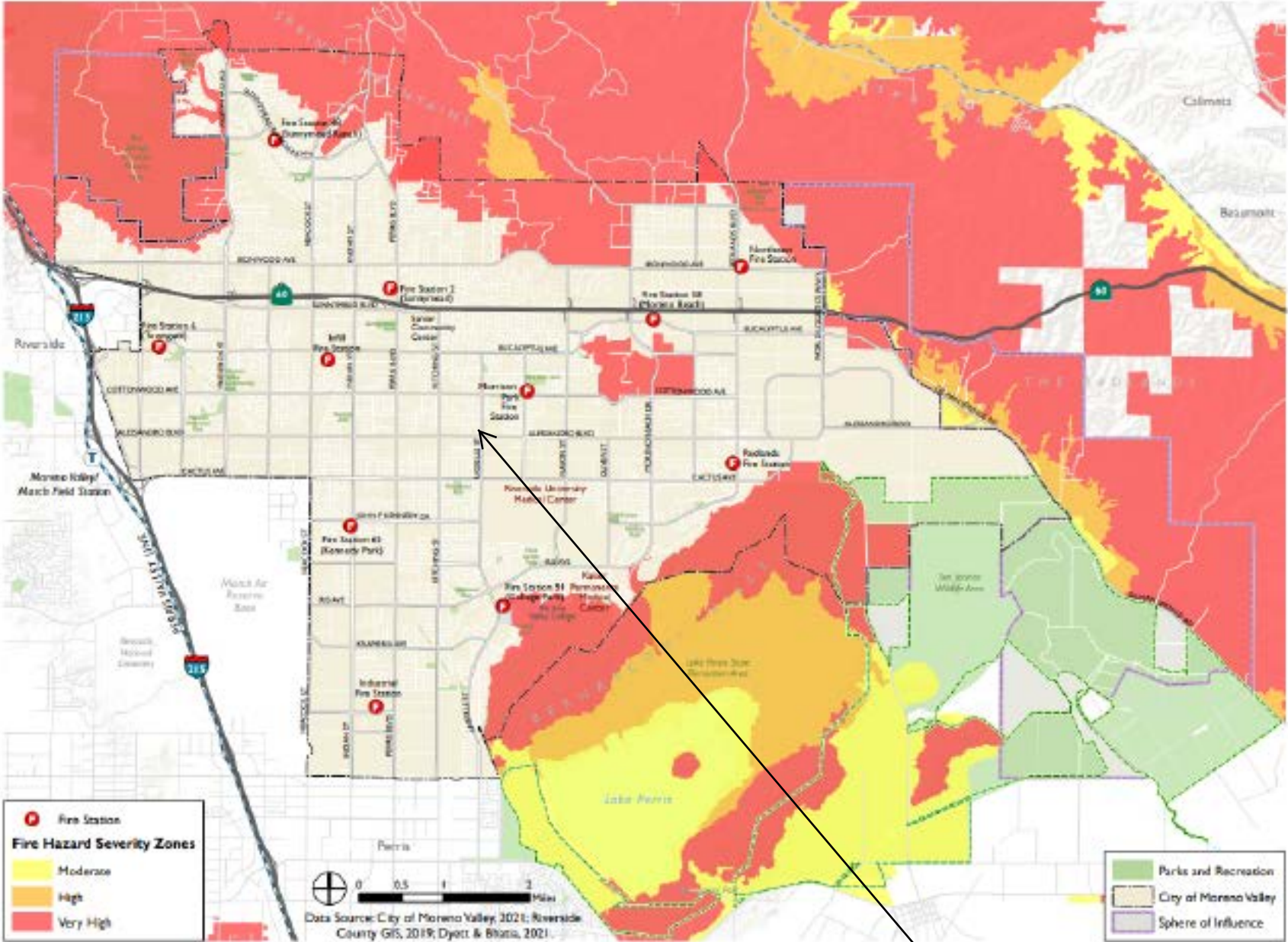


Source: City of Moreno Valley GP – <http://www.moval.org/cdd/documents/general-plan-documents-draft-general-plan.html>

SITE

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

FIGURE 9-4
FIRE HAZARD SEVERITY ZONES



Source: City of Moreno Valley GP – <http://www.moval.org/cdd/documents/general-plan-documents-draft-general-plan.html>

SITE



Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

10. HYDROLOGY AND WATER QUALITY – Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

A project normally would have an impact on surface water quality if discharges associated with the project would create pollution, contamination, or nuisance as defined in Water Code Section 13050, or that cause regulatory standards to be violated as defined in the applicable National Pollutant Discharge Elimination System (NPDES) stormwater permit or Water Quality Control Plan for a receiving water body. The project site is located in the Santa Ana River Watershed, within the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB) where discharges from Riverside County’s Phase I Municipal Separate Storm Sewer Systems (MS4s) are regulated through the Riverside County MS4 Permit (Order No. R8-2010-0033 NPDES No. CAS618033, as amended by Order No. R8-2013-0024) pursuant to section 402(p) of the Federal Clean Water Act.

For the purpose of this specific issue, a significant impact could occur if the project would discharge water that does not meet the quality standards of the agencies which regulate surface water quality and water discharge into stormwater drainage systems. Significant impacts could also occur if the project does not comply with all applicable regulations with regard to surface water quality as governed by the State Water Resources Control Board (SWRCB). These regulations include preparation of a Water Quality Management Plan (WQMP) to reduce potential post-construction water quality impacts.

According to the *WQMP*, runoff from the project site would enter the Kitching Street Channel to the southwest, then the Perris Valley Channel and then San Jacinto River Reach 3, eventually reaching Canyon Lake (Railroad Canyon Reservoir) approximately 18 miles to the southwest. The reservoir is on the federal EPA approved Clean Water Act 303(d) list of impaired water body (for nutrient contamination). The project *Hydro Study* and the *WQMP* indicate that runoff will be pretreated before it leaves the project site. The project plans identify four (4) underground infiltration trenches within landscaped areas, as shown in **Figure 10-1, Project Water Quality Plan**, so there will be no downstream water quality impacts from project runoff.

The project would be supplied with water by Eastern Municipal Water District (Eastern or EMWD) that uses a mix of groundwater and imported surface water to meet customer demand. For a developed area, the only three sources of potential violation of water quality standards or waste discharge requirements are from generation of municipal wastewater, stormwater runoff, and potential discharges of pollutants, such as accidental spills. Municipal wastewater is delivered to one of Eastern’s five regional water reclamation facilities which treat 46 million gallons of wastewater per day. EMWD is responsible for the collection, transmission, treatment, and disposal of wastewater within its service area, which includes the City of Moreno Valley.

To address stormwater and accidental spills, any new project must ensure that site development implements a Storm Water Pollution Prevention Plan (SWPPP) to control

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

potential sources of water pollution that could violate any standards or discharge requirements during construction and a WQMP to ensure that project-related after development surface runoff meets discharge requirements over the short- and long-term. The WQMP specifies stormwater runoff permit Best Management Practices (BMPs) requirements for capturing, retaining, and treating on site stormwater once the project is operational. The SWPPP would specify the BMPs that the project would be required to implement during construction activities to ensure that all potential water pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. With implementation of these mandatory Plans and their BMPs, the development and operation of this commercial project will not cause a violation of any water quality standards or waste discharge requirements.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Response: *Less Than Significant Impact*

Implementation of the proposed project will not deplete groundwater supplies that would substantially affect the water availability for existing or planned land uses. The project *Geotechnical Report* indicated that groundwater was not observed during subsurface exploration to a total depth of 51.5 feet and that local well data indicates groundwater levels between approximately 40 to 60 feet below ground surface. It also concluded there would be a minimum separation of 10 feet from the bottom of the water quality infiltration trenches to groundwater so potential impacts to groundwater would be “very low” (i.e., less than significant).

The San Jacinto Groundwater Basin underlies most of the City of Moreno Valley and includes two management zones: 1) the Perris South Management Zone, and 2) the Menifee Management Zone. The groundwater basin would not be physically altered or impacted as a result of the proposed project, particularly given that the *Geotechnical Report* did not encounter groundwater even to a depth of 51.1 feet.

The proposed commercial project would be supplied with water by Eastern which uses imported water from the Metropolitan Water District of Southern California (MWD), local groundwater, and recycled water to meet customer demand. Using imported surface water helps prevent overdraft of local groundwater basins. The proposed project is consistent with the General Plan designations for the site. The EMWD’s 2020 UWMP was based on the land uses of the City’s General Plan, so the UWMP accounts for future growth like the proposed project. The anticipated available water supply within Eastern’s retail service area is anticipated to be greater than the demand for water in the future, which indicates that Eastern has available capacity to serve the proposed project without significant adverse impacts on area groundwater basins.

The *Infiltration Report* indicates that the infiltration rate for the project site ranged from 1.6 to 3.6 inches per hour which suggests that this site does not represent a significant groundwater recharge site for the San Jacinto Groundwater Basin. Therefore, the

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

development of the project will not substantially interrupt the existing percolation of the site, or any flow of groundwater under the project site. No significant adverse impacts to groundwater resources are forecast to occur from implementing the proposed project. No mitigation is required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact

The proposed project is not anticipated to significantly change the volume of flows downstream of the project site and would not be anticipated to change the amount of surface water in any water body in an amount that could initiate a new cycle of erosion or sedimentation downstream of the project site. There are no streams or rivers within, contiguous to, or adjacent to the project site. The site is currently vacant and 100% pervious, in its developed condition it will be covered with mainly impervious surfaces. Any decrease in pervious area would increase the volume of runoff during a storm, which would more effectively transport pollutants to receiving waters. In the *WQMP*, the site consists of four Drainage Management Areas (DMAs) for sizing of water quality treatment facilities. Onsite flows generated by the proposed Project will be collected and conveyed using a combination of surface flow, inlets, and sub-surface storm drains to four (4) proposed infiltration trenches. A catch basin filter insert is included as pre-treatment prior to discharging into the underground infiltration trenches.

As set forth in the *Hydrology Study*, the ten-year storm peak runoff (Q_{10}) for the existing site is estimated to be 3.91 cubic feet per second (cfs) while the post-development runoff would be 6.79 cfs (+2.88 cfs). Similarly, the 100-year storm runoff (Q_{100}) for the existing site is estimated to be 9.75 cubic feet per second (cfs) while the post-development runoff would be 20.07 cfs (+10.32 cfs). The increased runoff will be accommodated in the onsite underground infiltration trenches so there will be no net increase in offsite downstream runoff as a result of the proposed project. According to the *WQMP*, runoff would enter the City's improved storm drain system via Timo Street and Alessandro Avenue and then flow into the Kitching Street Channel. The *WQMP* and *SWPPP* will address and control potential erosion both in the short-term during construction and over the long-term during project occupancy.

Surface runoff will be discharged in conformance with Riverside County and City of Moreno Valley requirements. The downstream drainage system will not need to be altered given the control of future surface runoff from the project site; thus, the potential for downstream erosion or sedimentation will be controlled to a less than significant impact level with mitigation to address the potential for erosion during construction.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

Response: *Less Than Significant Impact*

The *Hydrology Study* estimates the ten-year storm runoff (Q_{10}) for the existing site to be 3.91 cubic feet per second (cfs) while the post-development runoff would be 6.79 cfs (+2.88 cfs). Similarly, the 100-year storm runoff (Q_{100}) for the existing site is estimated to be 9.75 cubic feet per second (cfs) while the post-development runoff would be 20.07 cfs (+10.32 cfs). The increased runoff will be accommodated in the onsite underground infiltration trenches so there will be no net increase in offsite downstream runoff as a result of the proposed project.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) program, the project site and immediate surrounding area are designated as FEMA Flood Zone A (FIRM Map Panel 06065C0765G dated 8/28/08). This zone is defined as “Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs), or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.”

The proposed project will alter the existing drainage courses or patterns onsite but will maintain the existing offsite downstream drainage system through control of future discharges from the site through the infiltration trenches which would prevent flooding onsite or offsite from occurring. The onsite drainage system will capture the incremental increase in runoff from the project site associated with project development.

Surface runoff will be discharged in conformance with Riverside County and City of Moreno Valley requirements and as described in the *WQMP*. Thus, the implementation of onsite drainage improvements and applicable requirements included in the *WQMP*, *Hydrology Study*, and *Infiltration Study* will ensure that stormwater runoff will not substantially increase the rate or volume of runoff in a manner that would result in substantial flooding on- or off-site. Impacts under this issue are considered less than significant with no mitigation required.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

The proposed project will alter the site such that stormwater runoff will be increased but will not impact the existing off-site downstream drainage system through control of future discharges from the site. The planned system of drainage improvements and the underground infiltration trenches will prevent runoff from the site from exceeding the capacity of existing or planned stormwater drainage systems and from providing substantial additional sources of polluted runoff. Onsite drainage will be captured and treated through four (4) infiltration trenches within the planned landscaped areas. The *Hydrology Study*, *Geotechnical Study*, *WQMP*, and *Infiltration Report* determined the

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

planned drainage system will capture and treat all runoff from the site prior to discharge to the City's storm drain system.

These systems will be designed to capture the flows above the peak 100-year flow runoff from the project site without development or otherwise be detained on site and discharged in conformance with Riverside County requirements. Without improvements, project runoff may contain varying amounts of urban pollutants such as motor oil, antifreeze, gasoline, pesticides, detergents, trash, animal wastes, and fertilizers, could be introduced into downstream stormwater. However, the proposed project is not anticipated to generate discharges that would require pollution controls beyond those already designed into the project and/or required by the City as a standard operating procedure to meet water quality management requirements from the RWQCB. The proposed development would install drainage and water quality improvements previously described and connect to existing the drainage system downstream.

The City and County have adopted stringent best management practices designed to control discharge of non-point source pollution that could result in a significant adverse impact to surface water quality. The City has identified BMPs that when implemented, can ensure that neither significant erosion and sedimentation, nor other water quality degrading impacts will occur as a result of developing the project.

Compliance will also be ensured through fulfilling the requirements of a SWPPP and WQMP monitored by the City and the RWQCB. The SWPPP and WQMP must incorporate the BMPs that meet the City's performance standards for both construction and occupancy stages of the project. Thus, the implementation of onsite drainage improvements and applicable requirements will ensure that that drainage and stormwater will not create or contribute runoff that would exceed the capacity of existing or planned offsite stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts under this issue are considered less than significant and no mitigation is required.

iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

As shown on the FEMA FIRM #06065C0765G Map, the project site is located within Zone A which is defined as "Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs), or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply."

Due to the small size of the site and scale of the planned improvements, development of this site is not anticipated to redirect or impede flood flows across the project site, particularly given that surface flows on site will be directed to the onsite drainage features which will be capable of intercepting the peak 100-year flow rate from the project site or otherwise be detained on site and discharged in conformance with City and Riverside County requirements. Therefore, impacts under this issue are considered less than significant and no mitigation is required.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

D) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact
 As discussed above, the project site is located within Zone A which represents an area of potential flooding under 100-year project storm conditions. The project site is located over 50 miles from the nearest coastline (Pacific Ocean) and at an elevation of 1,589 feet above sea level. Therefore, the risk to the site associated with tsunamis is minimal. Similarly, the project site not located adjacent to a body of water as the project site is located approximately 3.8 miles northwest of Lake Perris, and therefore the risk of seiche impacting the proposed project is minimal. Based on the above, the risk of pollutant release, due to project inundation caused by a flood, tsunami, or seiche is minimal and less than significant impacts are anticipated.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact

The project *WQMP* has been prepared specifically to comply with the requirements of the City of Moreno Valley and the County of Riverside for Ordinance No. 754.2 which includes the requirement for the preparation and implementation of a project-specific WQMP to address long-term water quality impacts. The project must also provide a SWPPP to address potential surface water impacts during construction. The project site is located in the Santa Ana River Watershed, within the jurisdiction of the Santa Ana Regional Water Quality Control Board, where discharges from Riverside County’s Phase I MS4s are regulated through the Riverside County MS4 Permit (Order No. R8-2010-0033 NPDES No. CAS618033, as amended by Order No. R8-2013-0024) pursuant to section 402(p) of the Federal Clean Water Act.

The proposed commercial project site overlies the San Jacinto Groundwater Basin.² Which is considered high priority by the Sustainable Groundwater Management Act (SGMA) and Department of Water Resources (DWR). However, the basin is not considered to be critically overdrafted and is currently being managed by the Hemet-San Jacinto Watermaster which was formed in 2013. A Groundwater Sustainability Plan (GSP) is required to be developed for this basin by 2022 and implemented by 2042. The GSP will document basin conditions and basin management will be based on measurable objectives and minimum thresholds defined to prevent significant and unreasonable impacts to the sustainability indicators defined in the GSP. Water consumption and effects in nearby basins indicate that the proposed project’s water demand is considered to be less than significant. By controlling water quality during construction and operations through implementation of both short-term (SWPPP) and long-term (WQMP) best management practices at the site, no potential for conflict or obstruction of the Regional Board’s water quality control plan has been identified.

² <https://gis.water.ca.gov/app/bbat/>

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

Mitigation Measures

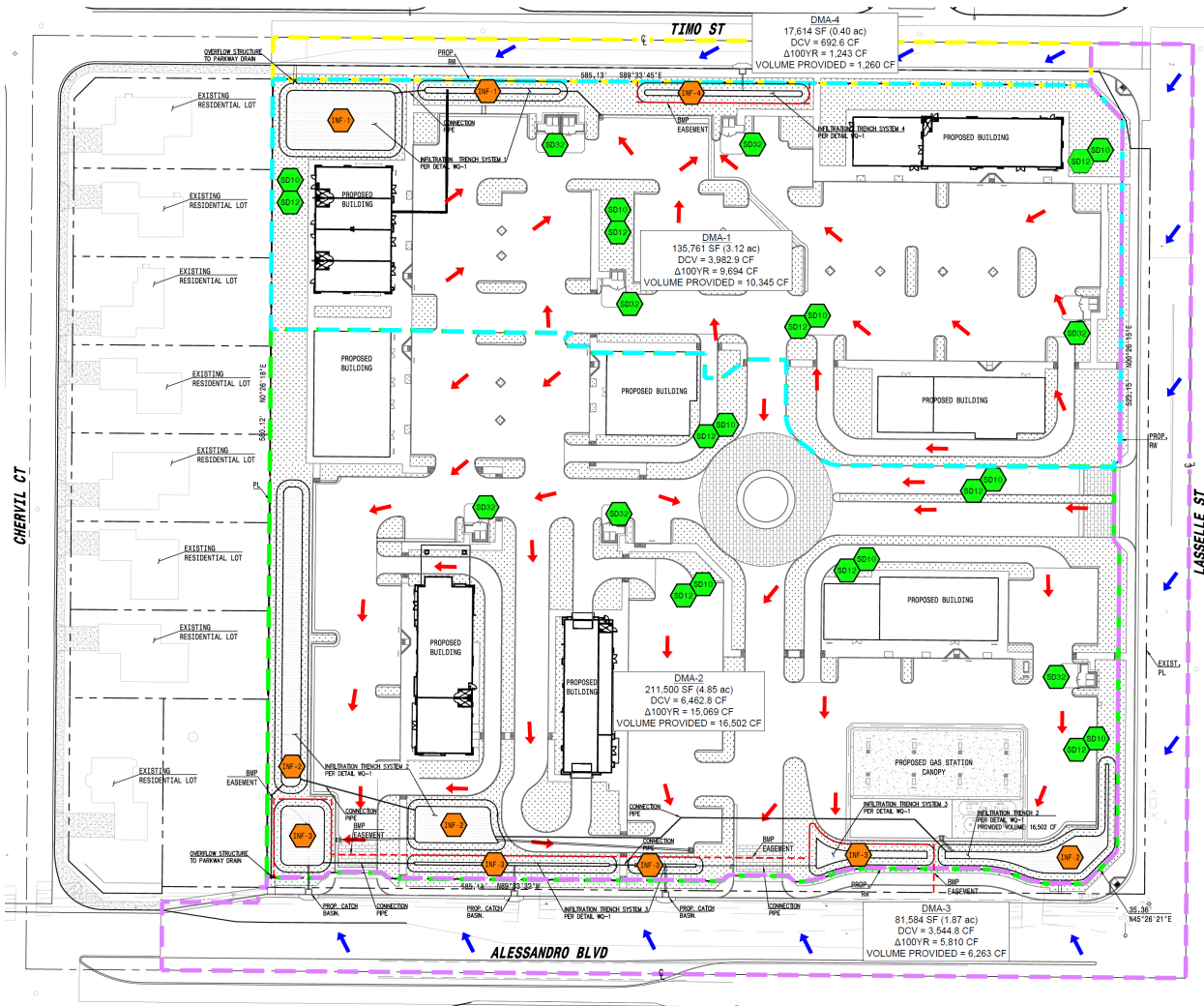
No mitigation is required.

Sources:

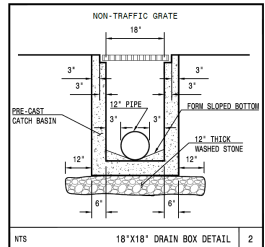
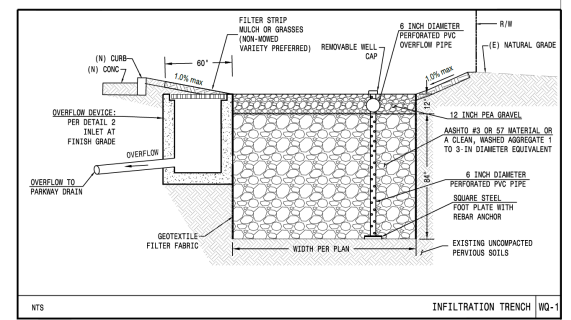
1. Moreno Valley General Plan, May 20, 2021
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. Section 9.10.080 – Liquid and Solid Waste
5. Moreno Valley Municipal Code Chapter 8.12 – Flood Damage Prevention
6. Moreno Valley Municipal Code Chapter 8.21 – Grading Regulations
7. Eastern Municipal Water District (EMWD) Groundwater Reliability Plus, <http://gwrplus.org/>
8. Eastern Municipal Water District (EMWD) 2020 Urban Water Management Plan
9. California Department of Water Resources Groundwater Basin Boundary Assessment Tool: <https://gis.water.ca.gov/app/bbat/>
10. Southern California Association of Government, *Profile of the City of Moreno Valley* May 2019 https://scag.ca.gov/sites/main/files/file-attachments/morenovalley_localprofile.pdf?1606013528
11. *Preliminary Hydrology Study for the Moreno Valley Commercial Center (Hydrology Study)*, prepared by Plump Engineering, Inc., 3-29-2022 (**Appendix I1**)
12. *Project Specific Water Quality Management Plan, Moreno Valley Commercial Center Development No: PEN19-0039, Design Review/Case No: LWQ19-0006 (WQMP)*, prepared by Plump Engineering, Inc., 7-27-2022 (**Appendix I2**)
13. *Updated Preliminary Geotechnical Investigation Report, Proposed Commercial Development, NWC Alessandro Boulevard and Lassalle Street, Moreno Valley (Geotechnical Report)*, prepared by Earth Strata Geotechnical Services, Inc., 6-6-2020 (**Appendix E**)
14. *Infiltration Testing for Water Quality Treatment Areas, Proposed Commercial Development, Northwest Corner of Alessandro Boulevard and Lasselle Street, City of Moreno Valley (Infiltration Report)*, prepared by Earth Strata Geotechnical Services, Inc., 6-4-2020 (**Appendix N**)
15. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) program, FIRM Map Panel 06065C0765G dated 8/28/08, <https://www.fema.gov/flood-maps/national-flood-hazard-layer>

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

FIGURE 10-1 PROJECT WATER QUALITY PLAN



- SOURCE CONTROL BMP'S:**
- SITE DESIGN & LANDSCAPE PLANNING
 - EFFICIENT IRRIGATION
 - ALTERNATIVE BUILDING MATERIALS
 - TRASH STORAGE AREAS
- NON STRUCTURAL CONTROL BMP'S:**
- EDUCATION FOR PROPERTY OWNERS, TENANTS AND OCCUPANTS (ENTIRE SITE)
- TREATMENT CONTROL BMP'S:**
- INFILTRATION TRENCH
- LEGEND:**
- LANDSCAPE AREA
 - INFILTRATION TRENCH AREA
 - AC PAVEMENT
 - PCC PAVEMENT
 - GRIND & OVERLAY
 - CONCRETE PAVERS
 - LINE OF SIGHT AREA
 - BMP EASEMENT
 - OFFSITE DRAINAGE
 - PROPOSED FLOW DIRECTION
 - DNA BOUNDARY 1
 - DNA BOUNDARY 2
 - DNA BOUNDARY 3
 - DNA BOUNDARY 4
 - DMA-X
X,XXX SF
XX,XX ac
DCV CF
VOL. CF
 - DNA INFORMATION



PERVIOUS AND IMPERVIOUS AREAS

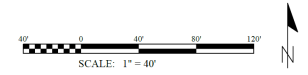
DMA	PERVIOUS AREA	IMPERVIOUS AREA	TOTAL
1	37,923 SF (0.87 AC)	97,638 SF (2.25 AC)	135,761 SF (3.12 AC)
2	54,300 SF (1.24 AC)	157,200 SF (3.61 AC)	211,500 SF (4.85 AC)
3	4,921 SF (0.11 AC)	76,663 SF (1.76 AC)	81,584 SF (1.87 AC)
4	2,020 SF (0.05 AC)	15,594 SF (0.35 AC)	17,614 SF (0.40 AC)
TOTAL	99,165 SF (2.28 AC)	347,294 SF (7.97 AC)	446,459 SF (10.25 AC)

NOTE:
ADDITIONAL CAPACITY PROVIDED TO DETAIN THE DIFFERENCE BETWEEN THE PRE AND POST-DEVELOPMENT, 100-YR 24-HR STORM EVENTS. (31,816 CUBIC FEET)

TOTAL VOLUME PROVIDED BY INFILTRATION TRENCHES IS 32,513 CUBIC FEET, MEETING THE REQUIRED AMOUNT.

RUNOFF VOLUME - 100YR-24HR STORM EVENT

DMA	PRE-DEVELOPMENT	POST-DEVELOPMENT	DIFFERENCE
1	30,876 CF	40,570 CF	9,694 CF
2	48,102 CF	63,171 CF	15,069 CF
3	18,555 CF	24,365 CF	5,810 CF
4	4,006 CF	5,249 CF	1,243 CF
TOTAL	30,876 CF	133,354 CF	31,816 CF



Source: WQMP- (Appendix I2)

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

b. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community?

Response: *Less Than Significant Impact*

The project site is comprised of approximately 8 acres of undeveloped land. The project site has not been graded. Topographic relief at the project site is relatively low with the terrain being generally flat. Elevations at the site range from approximately 1,581 to 1,597 feet above mean sea level, for a difference of about 16± feet across the entire site. The project site is bounded by existing residential development to the north and west, Alessandro Boulevard and vacant land to the south, and Lasselle Street and vacant land to the east.

Alessandro Boulevard currently allows east-west access along the southern boundary of the project site and Lasselle Street currently allows north-south access along the eastern boundary of the project site.

In addition, the project does not propose construction of any roadway, permanent flood control channel, or other structure that will physically divide established portions of the community.

In these ways the proposed project will not divide an established community but rather provide additional road and non-vehicular connections that will allow for better access for the established residential neighborhoods east and south of the site. Therefore, the project will have less than significant impacts in this regard and no mitigation is required.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Response: *Less Than Significant Impact*

Project

The surrounding General Plan land use and zoning designations of the site and surrounding area are described in **Table 1, Surrounding Land Uses** and shown in **Figure 3, Existing and Proposed General Plan Land Use Designations** and **Figure 4, Existing and Proposed Zoning Classifications**, provided in Section I of this IS. The project site is located at the intersection of two major city-wide arterials – Alessandro Boulevard and Lasselle Street. The project will take access from these roadways.

The proposed project is consistent with the existing onsite zoning and General Plan land use designations. The proposed uses are also consistent and compatible with surrounding zoning and land use designations.

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

General Plan

The project site has a General Plan Land Use designation of Corridor Mixed Use (COMU). The City’s General Plan Land Use Element contains goals and policies that are applicable to the proposed Project. **Table 11-1, General Plan Land Use Consistency Analysis** provides a consistency analysis of the Project to these goals and objectives.

**Table 11-1
General Plan Land Use Consistency Analysis**

General Plan Goals	Consistency Analysis
<p>LCC-1: Establish an identifiable city structure and a flexible land use framework that accommodates growth and development over the planning horizon.</p>	<p>Consistent. The project serves to implement the following policies associated with this Goal:</p> <p>LCC.1-1: Foster a balanced mix of employment, housing, educational, entertainment, and recreational uses throughout the city to support a complete community.</p> <p>LCC.1-2: Expand employment opportunities locally and provide sufficient lands for commercial, industrial, residential and public/quasi-public uses while ensuring that a high quality of life is maintained in Moreno Valley.</p> <p>LCC.1-3: Focus new development in centers and corridors so as to support the vitality of existing businesses, optimize the use of utility infrastructure, and reduce vehicle trip frequency, length, and associated emissions.</p> <p>LCC.1-6: Promote infill development along Alessandro, Sunnymead, and Perris to create mixed use corridors with a range of housing types at mid-to-high densities along their lengths and activity nodes at key intersections with retail/commercial uses to serve the daily needs of local residents.</p> <p>LCC.1-8: Promote a land and resource efficient development pattern in order to support efficient delivery of public services and infrastructure, conserve open space lands surrounding the city, reduce vehicle trip lengths and improve air quality.</p>
<p>LCC-2: Foster vibrant gathering places for Moreno Valley residents and visitors.</p>	<p>Consistent. The project serves to implement the following policies associated with this Goal:</p> <p>LCC.2-20: Encourage site designs that create an active street frontage and screen parking from the frontages of Alessandro, Sunnymead and Perris.</p>

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

	<p>LCC.2-22: Encourage new mixed-use and commercial development to incorporate visual quality and interest in architectural design on all visible sides of buildings through the following approaches:</p> <ul style="list-style-type: none"> • Utilizing varied massing and roof types, floor plans, detailed planting design, or color and materials; • Maintaining overall harmony while providing smaller-scale variety; and • Articulating building facades with distinctive architectural features like awnings, windows, doors, and other such elements. <p>LCC.2-23: Ensure that commercial uses are designed to incorporate ground floor transparency and pedestrian activity.</p> <p>LCC.2-24: At intersections on the mixed use corridors, prioritize retail and other uses that promote pedestrian activity on the ground floor of buildings.</p> <p>LCC.2-25: Encourage the development of bicycle, pedestrian, and transit access that reduces the need for on-site parking. Improve the pedestrian experience within these corridors through street trees and landscaping.</p> <p>LCC.2-26: Provide streetscape improvements along the mixed use corridors of Alessandro, Sunnymead, and Perris to enhance livability, vitality, and safety for all modes of travel.</p>
<p>LCC-3: Build a distinctive sense of place and pride in Moreno Valley.</p>	<p>Consistent. The project serves to implement the following policies associated with this Goal:</p> <p>LCC.3-1: Insist on high-quality development that is sensitive to surrounding context throughout the city and particularly in centers and corridors.</p> <p>LCC.3-2: Use development standards to ensure smooth transitions for areas that border one another so that neighborhoods and districts maintain their unique qualities while being compatible with one another.</p> <p>LCC.3-5: Incorporate prominent corner architectural features, such as prominent entries or corner towers, on new development at key intersections or gateways.</p> <p>LCC.3-6: Maintain continuity in streetscape</p>

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

	<p>design along major streets and avenues that traverse the city north to south and east to west.</p> <p>LCC.3-19: Ensure that neighborhood shopping centers are designed in a manner compatible with adjacent residential areas.</p> <p>LCC.3-20: Rely on strong landscape treatments, setbacks, sign controls, and, where feasible, underground utilities and street improvements to prevent visual chaos where businesses are competing for attention.</p> <p>LCC.3-21: Ensure that neighborhood shopping centers conform to regulations limiting the size, location, and general character of signage and facades so as not to disrupt the residential character of the neighborhood.</p> <p>LCC.3-22: Preserve and encourage neighborhood stores that enable shoppers to walk or bike for everyday needs, provide access to healthy foods, and promote a sense of community.</p>
<p>LCC-4: Expand the range of housing types in Moreno Valley and ensure a variety of options to suit the needs of people of all ages and income levels.</p>	<p>Consistent. The project is a commercial project and will only have an indirect effect on residential housing and housing needs. The project does not do anything to impede this Goal.</p>

Source: Moreno Valley General Plan, July 2021

As shown in **Table 11-1**, the project is consistent with the various General Plan Land Use goals and policies. For a comparison of the project to existing General Plan land use classifications, see the discussion of “land use compatibility” below.

General Plan

The City General Plan’s Land Use & Community Character Element designation for the site is Corridor Mixed Use (COMU) which is described as follows:

“This designation provides for a mix of housing with supporting retail and services that cater to the daily needs of local residents. Permitted uses include housing, retail, restaurants, personal services, public uses, and professional business offices. Retail uses should be concentrated at intersections and limited to no more than 25 percent of the maximum permitted FAR, excluding parking. A mix of uses is not required on every site but is desired on sites at intersections in order to foster nodes of commercial mixed use development along the corridor. Mixed use may be in either a vertical format (multiple uses in the same building) or horizontal format (multiple single-use buildings on the same parcel). The allowable residential density is 15-25 dwelling units per acre, with densities on the lower end of that range where proposed development abuts existing low density residential

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

development. Maximum permitted FAR for commercial uses is 1.0. On smaller parcels, additional FAR may be permitted to achieve the desired vision for the area.”

Zoning

The City Zoning Map classifications for the site are Corridor Mixed Use (COMU), however, Municipal Code Section 9.07.093, Purposes of mixed-use overlay districts, does not yet have a specific definition for the COMU designation so the General Plan definition applies

The COMU district is generally located along Sunnymead Boulevard, Heacock Street, Perris Boulevard, and Alessandro Boulevard.

Land Use Compatibility

The proposed project will create a new commercial development on vacant land in an area currently developed with residential uses to the west and north. Undeveloped Mixed Use designated properties lie to the east and south across Lasselle Street and Alessandro Boulevard, respectively. Residential Tract 38123 is currently under construction to the east of the Project site.

The project will provide additional commercial development in proximity to existing residential development, while implementing the General Plan. The project site is located at the intersection of two major city-wide arterials – Alessandro Boulevard and Lasselle Street.

Based on the layout and design of the site, the project will not result in a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction adopted for the purpose of avoiding or mitigating an environmental effect. With implementation of the project, impacts in this regard will be less than significant and no mitigation is required.

Mitigation Measures

No mitigation is required.

Sources:

1. Moreno Valley General Plan, May 20, 2021 (April 2, 2021)
2. Google Maps, www.google.com/maps
3. Project Plans (**Appendix M**)

12. MINERAL RESOURCES – Would the Project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

The California Surface and Mining Reclamation Act (SMARA) of 1975 requires local governments to address mineral recovery activities through the direct regulation of mining operations, and through planning policies that balance the mineral resources needs of the state with the maintenance of environmental quality. SMARA requires cities and counties to adopt ordinances conforming to state policy for the review and approval of reclamation plans and permits to conduct surface mining operations.

The California Geological Survey has prepared mineral resource reports designating the mineral deposits of statewide or regional significance. These reports are to be used to address mineral resources within the City. The State Geologist has classified areas into Mineral Resource Zones (MRZ) identifying the statewide or regional significance of mineral deposits based on the economic value and accessibility of the deposits.

According to the General Plan EIR the Project site is designated as MRZ-3 (and for which the significance of mineral resources cannot be determined). The MRZ category is not considered to contain significant mineral resources.

No regionally or statewide significant mineral resources are located within the City. Implementation of the proposed project would not result in the loss of availability of a known mineral resource. Any potential impacts would be less than significant.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

Response: No Impact

Please reference the discussion in Threshold 12.a. There are no mineral extraction or process facilities on or near the site. No mineral resources are known to exist within the vicinity. No impacts will occur.

Mitigation Measures

No mitigation measures are required.

Sources:

1. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
2. Section 4.12 – Mineral Resources
3. The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796), <https://www.conservation.ca.gov/dmr/lawsandregulations>

13. NOISE – Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Response: *Less Than Significant*

Note: any Tables or Figures provided in this Section are from the *Noise Impact Analysis*, unless otherwise noted.

Introduction

Any unwanted sound or sound which is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. The State Noise Control Act defines noise as "...excessive undesirable sound...". In general, the healthy human ear is most sensitive to sounds between 1,000 Hertz (Hz or cycles per second) and 5,000 Hz on the A-weighted scale which is most like the range of human hearing. For purposes of this analysis, the A-scale weighing is typically reported in terms of A-weighted decibel (dBA). Typically, the human ear can barely perceive the change in the noise level of 3 dB, a change in 5 dB is readily perceptible, and a change in 10 dB is perceived as being twice or half as loud. As previously discussed, a doubling of sound energy results in a 3 dB increase in sound, which means that a doubling of sound energy (e.g., doubling the volume of traffic on a highway) would result in a barely perceptible change in sound level.

City Noise Standards

The City of Moreno Valley Municipal Code Chapter 11.80, Noise Regulation, requires that a project shall not create loud, unnecessary, or unusual noise that disturbs the peace or quiet of any neighborhood, or that causes discomfort or annoyance to any person of normal sensitiveness. Noise standards are defined in Table 11.80.032-2 of the Noise Regulation of the Municipal Code and are applicable to the Project site and surrounding noise sensitive uses. **Table 13-1, *Municipal Code Noise Standards*** shows the exterior noise standards from the City's Municipal Code Chapter 11.80 Noise Regulation Exterior Noise Standards applicable to the Project site and surrounding residential land uses.

**Table 13-1
Municipal Code Noise Standards**

City	Permitted Hours of Construction Activity	Construction Noise Level Standard (dBA Leq) ²	
		Daytime	Nighttime
Moreno Valley ¹	General Activity: 7:00 a.m. to 8:00 p.m. on any day. Grading is limited to 7:00 a.m. to 7:00 p.m. Monday to Friday; 8:00 a.m. to 4:00 p.m. on weekends and holidays.	65	60 ³

¹ City of Moreno Valley Municipal Code, Section 11.80.030 (D)(7) as shown in Appendix 3.1.

² Acceptable threshold for determining the relative significance of short-term Project construction noise levels, based on the City of Moreno Valley stationary noise standards shown on Table 3-1.

³ Any nighttime construction activity requires an exemption from the City of Moreno Valley Municipal Code as indicated in Section 11.80.030(8) for a special event permit (Section 11.80.040). The special event permit application shall be submitted to the City of Moreno Valley Planning Department for approval and meet the requirements of Municipal Code Section 11.80.040.

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

"Daytime" = 8:00 a.m. to 10:00 p.m.; "Nighttime" = 10:01 p.m. to 7:59 a.m.

Chapter 11.80 Noise Regulation of the City's Municipal Code also states that the following activities shall be prohibited from the provisions of the noise code:

No person shall operate or cause the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of eight p.m. and seven a.m. the following day such that the sound there from creates a noise disturbance, except for emergency work by public service utilities or for other work approved by the city manager or designee.

Significance Thresholds

Utilizing the guidance from the City's General Plan, the *Noise Impact Analysis* identifies a significant noise impact when operational activities cause an increase in ambient noise levels of 5 dBA or more and the resulting noise level exceeds 60 dBA CNEL/Ldn. For construction noise, the FTA Transit Noise and Vibration Impact Assessment (2006) criteria is used. The FTA provides reasonable criteria for assessing construction noise impacts based on the potential for adverse community reaction. For residential uses, the daytime noise threshold is 80 dBA Leq for an 8-hour period.

Ambient Conditions

Four noise monitoring locations (L) were selected based on the proximity and location to adjacent sensitive receptors, as shown on **Figure 13-1, Noise Monitoring Locations**. L-1 was located north of the Project site on Timo Street near existing single-family residential homes at 13861 Paprika Court. L-2 was located along the east side of the Project site near existing single-family residential home at 26282 Sequoia Street. L-3 was located southwest of the Project site near the Moreno Hill Seventh-day Adventist Church at 25873 Alessandro Boulevard. L-4 was located west of the Project site on Chervil Court near existing single-family residential at 13898 Chervil Court.

Four receiver locations I were selected based upon FHWA guidelines and is consistent with additional guidance provided by Caltrans and the FTA.

R1 Location R1 represents the existing noise sensitive residence located at 13862 Cumin Street, approximately 72 feet north of the Project site. R1 is placed at the private outdoor living area (backyard) facing the Project site. A 24-hour noise measurement was taken near this location, L1, to describe the existing ambient noise environment.

R2 Location R2 represents the existing noise sensitive residence located at 26282 Sequoia Street, approximately 1,428 feet east of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R2 is placed at the residential building façade. A 24-hour noise measurement was taken near this location, L2, to describe the existing ambient noise environment.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

R3 Location R3 represents the Moreno Hills Seventh-day Adventist Church at 25873 Alessandro Boulevard, approximately 207 feet southwest of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R3 is placed at the residential building façade. A 24-hour noise measurement near this location, L3, is used to describe the existing ambient noise environment.

R4 Location R4 represents the existing noise sensitive residence at 13940 Chervil Court, approximately 28 feet west of the Project site. R4 is placed the private outdoor living area (backyard) facing the Project site. A 24-hour noise measurement for this location, L4, is used to describe the existing ambient noise environment.

Project Impacts

Construction

This assessment analyzes potential noise impacts during all expected phases of construction, including site preparation, grading, building construction, paving, and architectural coating. Noise levels are calculated based on an average distance of equipment over an 8-hour period to the nearest adjacent property. **Table 13-2, Unmitigated Typical Construction Noise Level Compliance** shows the noise levels at the receiver locations. Project construction noise levels are expected to be below the recommended 8-hour construction noise threshold.

**Table 13-2
Unmitigated Typical Construction Noise Level Compliance**

Receiver Location ¹	Use	Construction Noise Levels (dBA Leq)		
		Highest Construction Noise Levels ²	Threshold ³	Threshold Exceeded? ⁴
R1	Residential	62.9	65	No
R2	Residential	48.2	65	No
R3	Church	63.0	65	No
R4	Residential	70.3	65	Yes
at 200'	-	64.2	65	No

1 Noise receiver locations are shown on Figure 13-1.

2 Highest construction noise level calculations based on distance from the construction noise source activity to the nearest receiver locations.

3 Construction noise level thresholds as established by the City of Moreno Valley General Plan.

b Do the estimated Project construction noise levels exceed the construction noise level threshold?

Therefore, a minimum 8-foot-high temporary construction noise barrier at the west Project site boundary is required to reduce the typical construction noise levels. **Table 13-3, Mitigated Typical Construction Noise Level Compliance** shows that the mitigated construction noise levels will satisfy the City of Moreno Valley construction noise level standard 65 dBA Leq at R4. With the required 8-foot-high temporary noise barrier, the mitigated construction noise impacts are considered

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

less than significant at all sensitive receiver locations and at 200 feet from the Project site boundary.

**Table 13-3
Mitigated Typical Construction Noise Level Compliance**

Receiver Location ¹	Use	Construction Noise Levels (dBA Leq)		
		Highest Construction ²	Construction Standard ³	Threshold Exceeded? ⁴
R4	Residential	64.7	65	No

1 Noise receiver locations are shown on Figure 13-1.

2 Highest construction noise level calculations based on distance from the construction activity are to nearby receiver locations

b. Construction noise level standards as shown on Table 13-1.

4 Do the estimated Project construction noise levels exceed the construction noise level threshold?

Operation

This assessment analyzes the anticipated noise levels generated by the Project and impacts caused by changes to the ambient environment. The main sources of noise generated by the Project would include outdoor play areas (i.e., tot lots / turf grass), pool activity, trash enclosures, parking lots, and vehicular traffic noise along the adjacent roadways. Noise level impacts are compared to the City of Moreno Valley noise standards. The Project must demonstrate that noise levels generated by the Project site would not result in a permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **Table 13-4, Operational Noise Level Compliance** shows the Project’s on-site operational noise level impact to the established receiver locations:

**Table 13-4
Operational Noise Level Compliance**

Receiver Location ¹	Project Operational Noise Levels (dBA Leq) ²		Noise Level Standards(dBA Leq) ³		Noise Level Standards Exceeded? ⁴	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
R1	49.1	43.1	65	60	No	No
R2	28.4	24.6	65	60	No	No
R3	42.4	38.4	65	60	No	No
R4	55.4	46.1	65	60	No	No
at 200'	42.4	40.3	65	60	No	No

1 See Figure 13-1 for the receiver locations.

2 Proposed Project operational noise levels as shown on Tables 9-2 and 9-3 in the *Noise Impact Analysis*.

3 Exterior noise level standards for source (commercial) land use, as shown on Table 4-1 in the *Noise Impact Analysis*.

b Do the estimated Project operational noise source activities exceed the noise level standards? “Daytime” = 8:00 a.m. – 10:00 p.m.; “Nighttime” = 10:01 p.m. – 7:59 a.m.

1. Exterior Noise

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

The potential off-site noise impacts caused by the increase in vehicular traffic from the operation of the proposed Project on the nearby roadways were calculated for direct and cumulative Project conditions.

Table 13-5, Exterior Noise Levels (CNEL) demonstrates that the Project would not result in a significant noise impact from on-site exterior noise sources, including traffic.

**Table 13-5
Exterior Noise Levels (CNEL)**

ID	Road	Segment	Receiving Land Use ¹	CNEL at Receiving Land Use (dBA) ²			Incremental Noise Level Increase Threshold ³	
				No Project	With Project	Project Addition	Limit	Exceeded?
1	Lasselle St.	s/o Cottonwood Av.	Sensitive	64.0	64.2	0.2	3.0	No
2	Lasselle St.	s/o Bay Av.	Sensitive	64.8	65.2	0.4	3.0	No
3	Perris Blvd.	n/o Alessandro Blvd.	Sensitive	70.1	70.2	0.1	1.5	No
4	Nason St.	n/o Alessandro Blvd.	Sensitive	68.1	68.2	0.1	1.5	No
5	Lasselle St.	n/o Cactus Av.	Sensitive	68.1	68.2	0.1	1.5	No
6	Alessandro Blvd.	e/o Perris Blvd.	Sensitive	69.4	69.4	0.0	1.5	No
7	Alessandro Blvd.	w/o Nason St.	Sensitive	66.6	66.8	0.2	1.5	No

1 Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.
 2 The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.
 3 Does the Project create an incremental noise level increase exceeding the significance criteria?

Therefore, no exterior noise mitigation is required to satisfy the General Plan compatibility standards for multi-family residential land use.

b. Interior Noise

To ensure that the Project provides an acceptable interior noise environment, the City of Moreno Valley has established a 45dBA CNEL interior noise limit for new construction of sensitive land uses.

Additionally, the State of California Building Code specifies that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are developed near major transportation noise sources.

Since this Project is not considered a noise-sensitive land use, no interior studies were conducted.

Long-term noise from occupancy or operation of the proposed Project is found to be less than significant, and no mitigation is required.

b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

Introduction

Ground-borne vibrations consist of rapidly fluctuating motions within the ground that have an average motion of zero. The effects of ground-borne vibrations typically only cause a nuisance to people, but at extreme vibration levels, damage to buildings may occur. Although ground-borne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. Ground-borne noise is an effect of ground-borne vibration and only exists indoors since it is produced from noise radiated from the motion of the walls and floors of a room and may also consist of the rattling of windows or dishes on shelves. In terms of measuring vibration, the peak particle velocity (PPV) is the maximum instantaneous peak in vibration velocity, typically given in inches per second.

Typically, developed areas are continuously affected by vibration velocities of 50 VdB or lower. These continuous vibrations are not noticeable to humans whose threshold of perception is around 65 VdB. Outdoor sources that may produce perceptible vibrations are usually caused by construction equipment, steel-wheeled trains, and traffic on rough roads, while smooth roads rarely produce perceptible ground-borne noise or vibration. The Caltrans Transportation and Construction Vibration Guidance Manual, April 2020 provides general thresholds and guidelines as to the vibration damage potential from vibratory impacts. **Table 13-6, Caltrans Vibration Damage Potential Threshold Criteria** provides Caltrans general vibration damage potential thresholds.

**Table 13-6
Caltrans Vibration Damage Potential Threshold Criteria**

Structure and Condition	Maximum Transient Vibration Levels PPV (in/sec)	Maximum Continuous Vibration Levels PPV (in/sec)
Extremely fragile historic buildings	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Project Impacts

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

with distance. Ground vibration levels associated with various types of construction equipment are summarized on Table 13-7. Based on the representative vibration levels presented for various construction equipment types, it is possible to estimate the potential for human response (annoyance) and building damage using the following vibration assessment methods defined by the FTA. To describe the vibration impacts the FTA provides the following equation: $PPV_{equip} = PPV_{ref} \times (25/D)$.

The construction of the proposed Project is not expected to require the use of substantial vibration inducing equipment or activities, such as pile drivers or blasting. The main source of vibration impacts during construction of the Project would be the operation of equipment such as bulldozer activity during demolition, loading trucks during grading and excavation, and vibratory rollers during paving.

The construction vibration assessment utilizes the referenced vibration levels and methodology set-forth within the Caltrans Transportation and Construction Induced Vibration Guidance Manual. **Table 13-7, *Vibration Source Levels for Construction Equipment*** shows the referenced vibration levels.

**Table 13-7
*Vibration Source Levels for Construction Equipment***

Equipment	PPV (in/sec) at 25 feet
Small bulldozer	0.003
Jackhammer	0.035
Loaded Trucks	0.076
Large bulldozer	0.089

Table 13-8, *Construction Vibration Impact Analysis* shows the Project’s construction-related vibration analysis at the nearest structures to the Project construction area. Construction impacts are assessed from the closest area on the Project site to the nearest adjacent structure.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

**Table 13-8
Construction Vibration Impact Analysis**

Receiver ¹	Structure Type ²	Distance to Const. Activity (Feet) ³	Typical Construction Vibration Levels PPV (in/sec) ⁴					Thresholds PPV (in/sec) ⁵		Thresholds Exceeded? ⁶	
			Small bulldozer	Jackhammer	Loaded Trucks	Large bulldozer	Highest Vibration Level	Building Damage	Human Annoyance	Building Damage	Human Annoyance
R1	Residential	72'	0.001	0.007	0.016	0.018	0.018	1.00	0.25	No	No
R2	Residential	1,428'	0.000	0.000	0.000	0.000	0.000	1.00	0.25	No	No
R3	Residential	207'	0.000	0.001	0.003	0.004	0.004	1.00	0.25	No	No
R4	Residential	28'	0.003	0.030	0.064	0.075	0.075	1.00	0.25	No	No
at 200'	Residential	200'	0.000	0.002	0.003	0.004	0.004	1.00	0.25	No	No

1 Receiver locations are shown on Figure 13-1.

2 Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, p 38.

3 Distance from receiver location to Project construction boundary.

b Based on the Vibration Source Levels of Construction Equipment.

b Threshold for transient sources associated with typical construction activities, Caltrans Transportation and Construction Vibration Manual, April 2020, p 38.

6 Does the peak vibration exceed the acceptable vibration thresholds?
"PPV" – Peak Particle Velocity

Based on the above information, Project-related construction activity will not cause any potential damage to the nearest structures; therefore, there any impact from generation of excessive groundborne vibration or groundborne noise levels is less than significant, and no mitigation is required.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Response: No Impact

The closest airport is the March Air Reserve Base located approximately 2.4 miles southwest of the Project site, and the Project site is not located within a Compatibility Zone of the March Air Reserve Base. Because the Project site lies outside the Compatibility Zones, no impact would occur related to the safety of people within an airport land use plan and no mitigation is required.

Mitigation Measures

No mitigation required.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

Sources:

1. Moreno Valley General Plan, May 20, 2021 (April 2, 2021)
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
Section 9.10.140 Noise and Sound
4. Moreno Valley Municipal Code Chapter 11.80 Noise Regulations
March Air Reserve Base (MARB)/March Inland Port (MIP) Airport Land Use Compatibility Plan (ALUCP) on November 13, 2014
(<http://www.rcaluc.org/Portals/13/17%20-%20Vol.%201%20March%20Air%20Reserve%20Base%20Final.pdf?ver=2016-08-15-145812-700>)
5. *Moreno Valley Commercial Noise Impact Analysis*, prepared by Urban Crossroads, Inc., 7-22-2021 (**Appendix J**)

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

FIGURE 13-1
NOISE MONITORING LOCATIONS



LEGEND:
 N
 Measurement Locations

Source: Noise Study (Appendix J)

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 :

V. ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

14. POPULATION AND HOUSING – Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

The Project proposes the commercial development within a site that has a General Plan Land Use Designation and Zoning classification of Corridor Mixed Use. The Project does not include a housing component and has been designed pursuant to and in compliance with the existing general plan land use and zoning designation(s). Any direct increases in population as a result of the Project are insignificant as they are within the growth assumptions estimated by the Southern California Association of Governments for the County of Riverside General Plan. No new expanded infrastructure is proposed that could accommodate additional growth in the area that is not already possible with existing infrastructure. Any impacts would be less than significant.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Response: *No Impact*

No occupied residences homes are located on the vacant project site; therefore, implementation of the proposed project will not displace substantial numbers of existing housing or persons, necessitating the construction of replacement housing elsewhere. No impacts will occur; therefore, no mitigation is required.

Mitigation Measures

No mitigation is required.

Sources:

1. Moreno Valley General Plan, May 20, 2021 (April 2, 2021)
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. **Figure 3, Existing General Plan Land Use Designation** and **Figure 4, Existing Zoning Classification** provided in Section I of this Initial Study/MND

15. PUBLIC SERVICES – Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order				
---	--	--	--	--

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

Response: Less Than Significant Impact

The Moreno Valley Fire Department is part of the CAL FIRE / Riverside County Fire Department’s regional, integrated, cooperative fire protection organization.

The proposed project would place new commercial uses on undeveloped land. The City of Moreno Valley Fire Department (MVFD) contracts with the Riverside County Fire Department (RCFD) for local fire protection services. The closest station to the project site, which Fire Station 99 located at 13400 Morrison Street is approximately 1.1 miles north/northeasterly of the project site. Response times from Fire Station 99 to the project site are estimated to be about 3 minutes based on an average travel speed of 35 miles per hour. According to the City’s General Plan, a five-minute response time is considered the time standard for adequately serving urban uses.

Prior to the issuance of building permits all construction documents will be reviewed and approved by the City of Moreno Valley’s Fire Department as contracted through CAL FIRE for consistency with the Uniform Fire Code (Moreno Valley Municipal Code 8.36). The development will be required to provide fully operational fire suppression equipment, including hydrants, prior to the arrival of any building material being delivered to the Project site. These are standard conditions and are not considered unique mitigation under CEQA.

Pursuant to the Moreno Valley Municipal Code, new commercial development is required to pay development impact fees (DIF) that can go toward purchasing land and construction of new fire facilities. Payment of the DIF is a standard condition and is not considered unique mitigation under CEQA. Additional commercial development in this area will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection. Any impacts are considered less than significant, and no mitigation is required.

ii) Police protection?

Response: Less Than Significant Impact

The City of Moreno Valley contracts with the Riverside County Sheriff’s Department (RCSD) to provide police service for the City. The RCSD has 162 sworn officers and a current officer to population ratio of 0.9 officers per 1,000 populations in the City. The Moreno Valley Police Department headquarters is located at 22850 Calle San Juan De Los Lagos approximately 3.1 miles westerly of the proposed Project site. This is the closest police station to the Project site.

It should be noted the MVPD divides the City into “beat” or service areas to assure the entire City receives adequate police patrol and protection services. The Project

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

could indirectly introduce new City residents. Also, commercial development results in a direct impact to police patrol and protection services. Therefore, the project would increase the need for police services over time.

Although the proposed project will require additional police services, the project site is already within a developed area currently served by the RCSD. The project itself is not expected to adversely affect police services although it will increase the local population and eventually result in increased calls for service similar to other urban development in the City.

Per Moreno Valley Municipal Code, new commercial development is required to pay development impact fees that can go toward purchasing land and construction of new police service facilities. Payment of the DIF is a standard condition and is not considered unique mitigation under CEQA.

Additional commercial development into this area will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Any impacts are considered less than significant, and no mitigation is required.

iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---------------	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

The project proposes commercial development and does not include a residential component. As such, implementation of the project would not directly create a source of school-aged children, but it would indirectly affect schools by providing a very modest source of employment that would have the potential to draw new residents into the area.

The proposed project would pay developer impact fees based on whatever the current impact fees are at the time of permit issuance.

Therefore, with payment of established school impact fees, the project would have a less than significant impact relative to schools and no mitigation is required.

iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
------------	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

The Project proposes the construction and operation of commercial uses. Commercial uses result in indirect impacts to park facilities. Direct impacts are associated with residential development. Therefore, the project would have a less than significant impact relative to park facilities and no mitigation is required.

v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-----------------------------	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

The proposed project would indirectly introduce some new residents into the City, although it is not known how many of these would actually be new to the City (i.e.,

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

existing residents relocating to new housing). Because the project would not introduce a substantial amount of additional population into the City, the expansion of public services such as libraries or hospitals will not be required. The proposed development will result in an incremental, yet less than significant increase in the demand of such services over time as the Project is occupied.

As the City’s population grows, new medical facilities will be required to provide health and medical services for an expanded population. The project’s estimated indirect population growth is within the population projected under the General Plan. Therefore, the project would not significantly impact City or County health and medical facilities beyond what was anticipated in the General Plan.

Based on this analysis, the project will result in less than significant impacts to libraries, health services, and other public services as a result of the Project.

Mitigation Measures

No mitigation is required.

Sources:

1. City Moreno Valley Website <http://www.moval.org/index.shtml>
 - Fire Department
 - Police Department
2. Google Maps www.google.com/maps
3. Moreno Valley Municipal Code <http://qcode.us/codes/morenovalley/?view=desktop>
4. Moreno Valley unified School District <https://www.mvUSD.net/>

16. RECREATION – Would the project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

The Project proposes the construction and operation of commercial uses. Commercial uses result in indirect impacts to these facilities. Direct impacts are associated with residential development. Therefore, the Project will not increase the use of existing neighborhood and regional parks, or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Any impacts would be less than significant, and no mitigation is required.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Please reference the response in Threshold 16.a.

The Project could indirectly result in the need for construction or expansion of recreational facilities as the population of the Project increased. However, the combination of onsite private facilities and the payment of in lieu fees will help reduce potential impacts to less than significant levels. Therefore, the Project will not require the construction or expansion of recreational facilities which would have an adverse physical effect on the environment.

Mitigation Measures

No mitigation is required.

Sources:

1. Final Environmental Impact Report City of Moreno Valley 2040 General Plan, certified June 15, 2021
2. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
3. Project Plans (**Appendix M**)

17. TRANSPORTATION – Would the project:

a) Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

Introduction

The CEQA thresholds of significance for transportation and traffic impacts have shifted in recent years. In the past the analysis focused on the Level of Service (LOS) which measured congestion at local intersections and roadway segments. The emphasis of these past studies was to assure the street grid network functioned well and allowed for efficient movement of vehicles. The current focus is to encourage active transportation (e.g., pedestrians, bicyclists, etc.) and transit, and to limit increases in Vehicle Miles Travelled (VMT). An important part of this analysis is to determine if a proposed action is consistent with both the vehicular and non-vehicular aspects of the Circulation Element of the General Plan.

Vehicular Plan Consistency

Policy C.3-1 of the General Plan 2040 Circulation Element sets an LOS standard for City streets as shown below:

Policy C.3-1: Maintain Level of Service (LOS) “C” on roadway links, wherever possible, and LOS “D” in the vicinity of SR 60 and high employment centers. Strive to maintain LOS “D” at intersections during peak hours.

A Traffic Impact Assessment (*Traffic Report*) was prepared for the project based on City of Moreno Valley requirements. Based on ITE’s Trip Generation Handbook, Third Edition, the project would generate 204 inbound and 184 outbound trips in the AM peak hour, 210 inbound and 201 outbound trips in the PM peak hour, and 4,482

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

daily trips. The *Traffic Report* concluded the new commercial project would meet the City’s General plan requirements with recommended improvements³ to the adjacent Alessandro Boulevard at Lasselle Street intersection (i.e., convert the existing westbound right-turn lane to a shared through/right-turn lane and extend the lane length to a minimum of 250 feet). The *Traffic Report* also concluded this stop-controlled intersection did not meet the traffic signal warrant after completion of the project.

In addition, payment of the City’s Developer Impact Fees (DIF) and payment of regional County Traffic Uniform Mitigation Fee (TUMF) will help offset any indirect project-related vehicular traffic impacts. With payment of these fees, the project will have less than significant impacts related to vehicular plan consistency.

Non-Vehicular Plan Consistency

Goal C-5 and several of its policies in the General Plan Circulation Element encourage non-vehicular transportation systems as shown below:

Goal C-5: Enhance the range of transportation operations in Moreno Valley and reduce vehicle miles travelled.

Policies

C.5-1: Work to reduce VMT through land use planning, enhanced transit access, localized attractions, and access to non-automotive modes.

C.5-2: Encourage public transportation that addresses the particular needs of transit-dependent individuals, including senior citizens, the disabled, and low - income residents.

C.5-3: Encourage bicycling as an alternative to single occupant vehicle travel for the purpose of reducing fuel consumption, traffic congestion, and air pollution.

C.5-4: Particularly in corridors and centers, work with transit service providers to provide first-rate amenities to support pedestrian, bicycle and transit usage, such as bus shelters and benches, bike racks on buses, high-visibility crossings, and modern bike storage.

C.5-5: Encourage local employers to implement TDM strategies, including shared ride programs, parking cash out, transit benefits, allowing telecommuting and alternative work schedules.

Emphasizing non-vehicular transportation are also key elements of SB 375 and SCAG’s Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS). The following discusses various aspects of non-vehicular transportation

³ The Traffic Report referred to the improvements as “mitigation measures” but LOS impacts and improvements are no longer applicable under CEQA, however they can be applied to a project for planning or engineering reasons.

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

including pedestrians (sidewalks, trails), bicycles (on-road lanes or off-road paths), bus transit, and train transit.

Sidewalks/Trails. According to the *Traffic Report*, the project will dedicate 20 feet right-of-way along Lasselle Street and 7 feet along Alessandro Boulevard. Pedestrian sidewalks will be provided along the project frontage on both Lasselle Street and Alessandro Boulevard. The adjacent Alessandro Boulevard and Lasselle Street intersection provides pedestrian crosswalk for each approach and Americans with Disabilities Act compliant access ramps at each corner along with pedestrian push buttons to activate pedestrian crossing phases. There are no trails present in the immediate area.

Bicycles. Lasselle Street has Class 2 Bike Lanes south of Alessandro Boulevard and the proposed widening of Lasselle Street to its ultimate width will allow for bike lane extensions and integration in the future. The project will make onsite bicycle improvements as required.

Bus Transit. Bus service to the project area is provided by the Riverside Transit Agency (RTA). The closest bus line to the project site is RTA Route 20 along Alessandro Boulevard. The Traffic Report and the project plans indicate a new bus stop will be added on Alessandro Boulevard just west of Lasselle Street.

Train Transit. There is no commuter rail service in the area surrounding the project site. The closest Metrolink commuter rail transit station is at 14160 Meridian Parkway in Riverside approximately 4.8 (driving) miles west of the project site on the west side of the I-215 Freeway. This Moreno Valley/March Field Station provides connections to urban areas to the south (Perris) and north (Riverside, San Bernardino).

With installation of the planned project adjacent roadway and sidewalk improvements and implementation of the City’s future plans for sidewalks, bicycle routes, trails, and transit, the project will have less than significant impacts related to non-vehicular plan consistency.

Based on this analysis, the project is consistent with the Circulation Element will have less than significant impacts in this regard and no mitigation is required.

b) Conflict or be inconsistent with [CEQA Guidelines section 15064.3, subdivision \(b\)?](#)

Response: *Less Than Significant Impact*

Introduction

Level of Service (LOS) has long been the standard of determining significant traffic impacts under CEQA, which in turn influence air pollutant emissions. In 2013 the state legislature passed SB 743 which requires agencies to focus on reducing VMT rather than LOS as a determination of significance under CEQA. Per the 2020 CEQA Statute and Guidelines, VMT is “the most appropriate measure of transportation impacts.” In response to Senate Bill (SB) 743, the California Natural

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Resource Agency certified and adopted new CEQA Guidelines in December 2018 which now identifies VMT as the most appropriate metric to evaluate a project’s transportation impact under CEQA (§ 15064.3).

Goal C-5 of the City’s General Plan 2040 states...”Enhance the range of transportation operations in Moreno Valley and reduce vehicle miles travelled.” The City of Moreno Valley has adopted criteria for evaluating VMT impacts under CEQA including the preferred analysis methodology and thresholds of significance. The criteria are included in the City of Moreno Valley Transportation Engineering Division “Transportation Impact Analysis Preparation Guide for Vehicle Miles Traveled and Level of Service Assessment” (June 2020).

For purposes of this analysis, the VMT methodology and significance criteria are based on the City of Moreno Valley’s guidelines and the requirements described in Section 21099 of the Public Resources Code and the California Governor’s Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR Advisory). The City of Moreno Valley requires projects to have the same or less VMT per capita when compared to the City overall average VMT at project opening year.

Project Impacts

For purpose of SB 743 compliance, a VMT analysis must be conducted for land use projects that have the potential to increase the average VMT per capita/employee compared to the City’s threshold. The City Guidelines provides details on appropriate screening criteria that can be used to identify when a proposed land use project is anticipated to result in a less than significant impact without conducting a more detailed analysis. The City Guidelines identify three screening criteria:

- Transit Priority Area
- Low VMT Area
- Project Type

A land use project needs to meet only one of the three screening thresholds to result in a less than significant VMT impact. In accordance with the “Project Type Screening Criteria” recommended in the City’s Traffic Impact Preparation Guide, June 2020, this local servicing retail project of less than 50,000 square feet can be presumed to have less than significant VMT impacts, and no mitigation is required. With this determination, a more detailed project-level VMT analysis using regional modeling is not required for this project.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Response: *Less Than Significant Impact*

The project site is currently an unimproved and vacant lot situated at the northwest corner of Alessandro Boulevard at Lasselle Street. Alessandro Boulevard is designated as a six-lane Divided Arterial in the east-west directions per City Standard Plan. At the project frontage, Alessandro Boulevard is currently undivided with one lane in each direction with a left turn lane. The posted speed limit is 45 mph. Lasselle Street is classified as an Arterial in the north-south directions per City Standard Plan. At the project frontage, Lasselle Street is currently undivided with one lane in each direction with a left turn lane at the intersection. The posted speed limit is 40 mph north of Alessandro Boulevard and 45 mph south of Alessandro Boulevard. Timo Street is classified as a local residential street, but the project will not provide any direct commercial access on a local residential street. The project includes three (3) drive aisle entrances (two on Alessandro Avenue, one on Lasselle Street).

The project will include the following off-site improvements:

- Widen Lasselle Street to its ultimate width on the west half (50 feet from centerline to ROW) and provide two southbound lanes, one northbound lane, a two-way-left-turn lane, and a southbound bike lane.
- Widen Alessandro Boulevard to its ultimate width on the north half (67 feet from centerline to ROW) and provide two westbound lanes. Provide a transition of the two-lane section to join the one-lane section west of Chara Street.
- Construct raised median islands along Alessandro Boulevard between Chervil Court and Lasselle Street.
- Construct a bus bay on the north side of Alessandro Boulevard immediately west of Lasselle Street.

Regional access to the project area is available via the SR-60 Freeway 1.35-mile north of the site with on- and off-ramps at Perris Boulevard (northwest) and Nason Street (northeast). The project area has a grid system of streets and there are no existing roadway geometry constraints in the immediate area. The project site is in a suburban area so no conflicts with incompatible uses are anticipated.

Roadways must provide adequate sight distance and traffic control, and these provisions are normally achieved through standard roadway design to facilitate vehicular traffic flow. Roadway improvements adjacent to the project site would be designed and constructed to satisfy all City requirements for street widths, corner radii, intersection controls, etc. Adherence to applicable City requirements would ensure the proposed development would not include any sharp curves or dangerous intersections. Therefore, no substantial increase in hazards due to a design feature would occur, resulting in less than significant impacts and no mitigation is required.

D) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

As outlined in Threshold 17.c, the project site is located at the northwest corner of Alessandro Boulevard at Lasselle Street. Alessandro Boulevard is designated as a six-lane Divided Arterial, and Lasselle Street is classified as an Arterial. Regional access to the project area is

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

also available via the SR-60 Freeway 1.35-miles north of the site with on- and off-ramps at Perris Boulevard (northwest) and Nason Street (northeast).

The City of Moreno Valley Fire Department (MVFD) contracts with the Riverside County Fire Department (RCFD) for local fire protection services. The closest station to the project site is Fire Station 99 located at 13400 Morrison Street which is 1.0-mile on-road to the closest portion of the site (northeast corner). Response time from this station to the project site is estimated to be approximately 1.5 minutes based on an average on-road travel speed of 35 miles per hour. In the past the City has considered a five-minute response time to adequately serve its urban and suburban uses.

The City contracts with the Riverside County Sheriff's Department (RCSD) to provide police service for the City. The RCSD has 162 sworn officers and a current officer to population ratio of 0.9 officers per 1,000 populations in the City. The Moreno Valley Police Department headquarters is located at 22850 Calle San Juan De Los Lagos approximately 3.1 miles west of the proposed project site at City Hall. In addition, an additional police station is located at 23819 Sunnymead Boulevard approximately 3.7 on-road miles northwest of the project site. The response time from the headquarters station to the project site would be approximately 4.6 minutes assuming an average on-road travel speed of 35 miles per hour. In the past the City has considered a five-minute response time to adequately serve its urban and suburban uses.

Traffic associated with project construction may have a temporary effect on existing traffic circulation patterns, including emergency access. Although the site is in the eastern portion of the City which is generally considered to be more rural, the site itself is in a more suburban setting and direct access to the site will be available via both Alessandro Boulevard and Lassalle Street. The proposed project will also comply with all of the City's requirements for emergency access and sight distances. Therefore, the project area would have adequate circulation to accommodate emergency services. Due to the proximity of emergency services, the suburban setting, and ready access to the site, impacts to emergency access will be less than significant and no mitigation is required.

Mitigation Measures

No mitigation is required.

Sources:

1. Moreno Valley General Plan, May 20, 2021
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. Moreno Valley Municipal Code Chapter 3.18 Special Gas Tax Street Improvement Fund
5. Moreno Valley Master Bike Plan, adopted January 2015
6. Riverside County Transportation Commission, Congestion Management Program, December 14, 2011
7. Office of Planning and Research. Technical Advisory on Evaluating Transportation Impacts in CEQA. State of California. December 2018
8. City of Moreno Valley. Traffic Impact Analysis Preparation Guide for Vehicle Miles Traveled and Level of Service Assessment. City of Moreno Valley: City of Moreno Valley, June 2020
9. Institute of Transportation Engineers. Trip Generation Manual. 10th Edition. 2017

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

10. *Focused Traffic Impact Study Update, New Commercial and Office Plaza, NWC of Alessandro Blvd. and Lasselle St., Moreno Valley (Traffic Report)*, prepared by K2 Traffic Engineering, Inc., 4-6-2021 (**Appendix K**)

18. TRIBAL CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in [Public Resources Code Section 21074](#) as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) , or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	-------------------------------------	--------------------------	--------------------------

Response: Less Than Significant with Mitigation Incorporated

Assembly Bill (AB) 52 specifies that a project that may cause a substantial adverse change to a defined Tribal Cultural Resource (TCR) may result in a significant effect on the environment. AB 52 requires tribes interested in development projects within a traditionally and culturally affiliated geographic area to notify a lead agency of such interest and to request notification of future projects subject to CEQA prior to determining if a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. The lead agency is then required to notify the tribe within 14 days of deeming a development application subject to CEQA complete to notify the requesting tribe as an invitation to consult on the project. AB 52 identifies examples of mitigation measures that will avoid or minimize impacts to a TCR. The bill makes the above provisions applicable to projects that have a notice of preparation or a notice of intent to adopt a negative declaration/mitigated negative declaration circulated on or after July 1, 2015. AB 52 amends Sections 5097.94 and adds Sections 21073, 21074, 2108.3.1., 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to the California PRC, relating to Native Americans.

Based on input from the Native American Heritage Commission, fourteen (14) Tribes and twenty-one (21) Tribal Representatives were contacted by Brian Smith on January 6, 2020, regarding preparation of the *Cultural Resources Survey (CRS)* for the Project site. A list of the Tribes/Tribal Representatives is provided in **Table 18-1, CRS Local Native American Tribal Groups**.

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

**Table 18-1
CRS Local Native American Tribal Groups**

Tribe	Group	Representative/Consultation
Cahuilla	Agua Caliente Band of Cahuilla Indians	Jeff Grubbe, Chairperson
	Agua Caliente Band of Cahuilla Indians	Patricia Garcia-Plotkin, Director
	Augustine Band of Cahuilla Mission Indians	Amanda Vance, Chairperson
	Cabazon Band of Mission Indians	Doug Welmas, Chairperson
	Cahuilla Band of Indians	Daniel Salgado, Chairperson
	Los Coyotes Band of Cahuilla and Cupeño Indians	Shane Chapparosa, Chairperson
	Ramona Band of Cahuilla	John Gomez, Environmental Coordinator Joseph Hamilton, Chairperson
	Santa Rosa Band of Cahuilla Indians	Mercedes Estrada
		Steven Estrada, Chairperson
Torres-Martinez Desert Cahuilla Indians	Michael Mirelez, Cultural Resource Coordinator	
Cahuilla Serrano	Morongo Band of Mission Indians	Robert Martin, Chairperson
	Morongo Band of Mission Indians	Denisa Torres, Cultural Resources Manager
Serrano	San Manuel Band of Mission Indians	Lee Clauss, Director of Cultural Resources
	Serrano Nation of Mission Indians	Mark Cochrane, Co-Chairperson
		Wayne Walker, Co-Chairperson
Kitanemuk Vanyume Tataviam	San Fernando Band of Mission Indians	Donna Yocum, Chairperson
Luiseno	Pechanga Band of Luiseno Indians	Mark Macarro, Chairperson
	Pechanga Band of Luiseno Indians	Paul Macarro, Cultural Resources
Cahuilla Luiseno	Soboba Band of Luiseno Indians	Joseph Ontiveros, Cultural Resource Department
		Scott Cozart, Chairperson

The City initiated consultation with Tribes who have previously requested consultation under AB 52. The City sent AB 52 Notices to these Tribes/Tribal Representatives on March 18, 2019, and written responses were received from five (5) Tribes, as indicated below.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

1. Agua Caliente Band of Cahuilla Indians

The City received a letter from the Tribe and Consultation was concluded.

2. Rincon Band of Luiseño Indians

The City received an Email response from the Tribe and subsequent correspondence concluding Consultation.

3. San Manuel Band of Mission Indians

The City received an Email from the Tribe and Consultation was concluded.

4. Soboba Band of Luiseño Indians

The City received a letter from the Tribe initiating Consultation and subsequently Consultation was concluded.

5. Morongo Band of Mission Indians

The City received a letter from the Tribe initiating Consultation. Consultation has not yet concluded as the Tribe will want to review and possibly comment on this Initial Study/MND as part of the Consultation process.

With the implementation of Mitigation Measures MM-CUL-1 through MM-CUL-8, the proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).

With implementation of Mitigation Measures MM-CUL-1 through MM-CUL-8, potential impacts to tribal cultural resources will be reduced to less than significant levels.

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of [Public Resources Code section 5024.1](#). In applying the criteria set forth in subdivision I of [Public Resources Code section 5024.1](#), the lead agency shall consider the significance of the resource to a California Native American tribe.

Response: Less Than Significant with Mitigation Incorporated

Please reference the discussion in Threshold 18.a.i.

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

With the implementation of **Mitigation Measures MM-CUL-1** through **MM-CUL-8**, the proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a Cultural Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. With implementation of **Mitigation Measures MM-CUL-1** through **MM-CUL-8**, potential impacts to tribal cultural resources will be reduced to less than significant levels.

Mitigation Measures

MM-CUL-1 Archaeological Monitoring.

Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s), including the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP as defined in MM-CUL-3. The Project archaeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.

MM-CUL-2 Native American Monitoring.

Prior to the issuance of a grading permit, the Developer shall secure agreements with the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, for tribal monitoring. The Developer is also required to provide a minimum of 30 days' advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.

MM-CUL-3 Cultural Resource Monitoring Plan (CRMP).

The Project Archaeologist, in consultation with the Consulting Tribe(s), including the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:

- a. Project description and location;
- b. Project grading and development scheduling;
- c. Roles and responsibilities of individuals on the Project;
- d. The pre-grading meeting and Cultural Resources Worker Sensitivity Training details;
- e. The protocols and stipulations that the contractor, City, Consulting Tribe (s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;
- f. The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items; and
- g. Contact information of relevant individuals for the Project.

MM-CUL-4 Cultural Resource Disposition.

In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

- a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department:
 - i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources.
 - ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure MM-CUL-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in MM-CUL-3 The location for the future reburial area shall be identified on a confidential exhibit on file with the City and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.

The City shall verify that the following note is included on the Grading Plan:

“If any suspected archaeological resources are discovered during ground –disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find.”

MM-CUL-5 Inadvertent Finds.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archaeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in MM-CUL-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archaeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.

MM-CUL-6 Human Remains.

If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant". The "most likely descendant" shall then make recommendations and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

MM-CUL-7 Non-Disclosure of Reburial Locations.

It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 I., parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 I.

MM-CUL-8 Archaeology Report – Phase III and IV.

Prior to final inspection, the developer/permit holder shall prompt the Project Archaeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).

Sources:

1. Moreno Valley General Plan, adopted June 15, 2021
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified June 15, 2021
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. Moreno Valley Municipal Code Title 7 – Cultural Preservation
5. *Phase I Cultural Resources Survey for the Commercial Center Shell Gas Station Express Car Wash Office Building Project*, prepared by Brian F. Smith and Associates, Inc., 6-4-2020 (CRS Appendix C)

19. UTILITIES AND SERVICE SYSTEMS – Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

A detailed *Utilities Study* was prepared for the project by Rincon Consultants in April of 2020. The information in the following sections was excerpted from that study.

Water

Less Than Significant Impact – Water will be provided by the Eastern Municipal Water District (EMWD). Water service is available through a connection located adjacent to the project site. According to EMWD’s Public Map Portal, the project site vicinity is served by existing EMWD potable water facilities, including 8-inch water main lines to the west of the project site on Alessandro Boulevard and to the north of the project on Lasselle and Timo Street. Based on the project’s utility site plan, a total of 16 water lateral connections would be installed to connect the project site to the existing water mains, including three 2-inch domestic water connections and meters and three 4- inch fire water connections for hydrant supply off the Alessandro main and five 2-inch domestic water connections and meters and five 4-inch fire water connections off the Timo Street main. The proposed water laterals would be installed during project construction and within the disturbance area of the project and already disturbed Alessandro Boulevard and Timo Street rights-of-way; therefore, construction of these connections would not substantially increase disturbance area, emissions, or otherwise cause significant environmental effects.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

According to CalEEMod outputs prepared in support of the *Greenhouse Gas Analysis* prepared for the project, the project is anticipated to require an estimated 11,324,572 gallons or 34.7 acre-feet of water per year from EMWD. As previously stated under Section 10, Hydrology and Water Quality, the EMWD’s Urban Water Management Plan (2020) identifies sufficient water resources to meet demand in its service area. The anticipated available water supply within EMWD’s retail service area is anticipated to be greater than the demand for water in the future, which indicates that EMWD has available capacity to serve the proposed project without requiring the construction of new water facilities beyond those that would be developed within the project site to serve future residences of the proposed project. As stated above, existing water mains are sufficient to supply the project site and no new mains will be constructed. Major EMWD water treatment or distribution facility improvements would not be necessary to serve the project site. Therefore, development of the commercial project would not result in a significant environmental effect related to the relocation or construction of new or expanded water facilities. Impacts are less than significant.

Wastewater

Less Than Significant Impact – Wastewater collection will be provided by EMWD, and the project will connect to the sewer main adjacent to the project site. Municipal wastewater is delivered to the one of EMWD’s five regional water reclamation facilities which treat 46 million gallons of wastewater per day, and currently treats approximately 43 million gallons per day of wastewater at its four active regional water reclamation facilities. EMWD is responsible for the collection, transmission, treatment, and disposal of wastewater within its service area, which includes the City of Moreno Valley.

The project site is served by existing EMWD sewer lines including a 15-inch VCP sewer main along Lasselle Street, an 8-inch sewer line along Timo Street, and an 8-inch sewer line along Alessandro Boulevard that terminates near the southwest corner of the project site. These mains convey flows to the Moreno Valley RWRf located approximately 3 miles to the south. The project would involve an eastward extension of the existing sewer line in Alessandro Boulevard to reach the project site, and installation of two 6-inch sewer laterals to connect to the proposed carwash and retail building in the southwestern portion of the site. Additionally, three 6-inch sewer laterals off of the Lasselle main and two 6-inch laterals off the Timo Street main would be constructed to serve the remainder of the project site. As with water facilities, sewer line extensions necessary to connect the proposed new buildings to existing facilities along Alessandro Boulevard, Lasselle Street, and Timo Street would be installed in conjunction with the project and would require minimal ground disturbance in the already-disturbed roadways. Therefore, construction of these wastewater conveyance facilities would not result in potentially significant environmental impacts.

The project would result in an increase in wastewater generation relative to existing, undeveloped site conditions. Wastewater generated at the project site would be treated at EMWD’s Moreno Valley RWRf approximately 3 miles south of the project site. According to CalEEMod outputs prepared in support of the *Greenhouse Gas Analysis* prepared for the project, the project is anticipated to require an estimated 11,324,572 gallons of water per year. Assuming that total water demand is equivalent to approximately 120 percent of wastewater generation, the project would generate an estimated 9,437,142 gallons of wastewater per year or approximately 0.026 million gallons per day (MGD).

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

The *Utilities Study* documented the average daily treatment volume of the Moreno Valley RWRf to be 10.6 MGD compared to its maximum daily capacity of 16 MGD. At present, it has an available capacity of 5.4 MGD. The *Utilities Study* calculated the project would generate 0.026 MGD of wastewater which represents 0.5 percent of the facility’s available capacity. Therefore, wastewater treatment facilities operated by the EMWD have sufficient capacity to process additional wastewater generated by the project. The project would be responsible for constructing onsite wastewater treatment conveyance systems and paying standard sewer connection fees. Furthermore, EMWD provided the project applicant with a Will Serve letter on June 17, 2020, stating that EMWD is willing to provide water and sewer service to the project contingent upon adherence to EMWD rules and regulations. Therefore, major wastewater conveyance and treatment facility upgrades are not anticipated and impacts with respect to wastewater treatment facilities would be less than significant.

Stormwater

Less Than Significant Impact – The surface runoff from the site, nonpoint source storm water runoff, will be managed in accordance with the WQMP as discussed in the Hydrology and Water Quality Section (Subchapter 10) of this Initial Study/MND. As discussed in the *Preliminary WQMP* prepared for the project, the project site contains no impervious surface area under existing conditions. The project would add approximately 282,671.34 square feet of impervious surface over the project site due to construction of the proposed commercial uses and parking area. Consequently, the project would reduce infiltration potential and increase surface runoff on the project site. Post-development conditions would generally maintain site drainage to the south toward Alessandro Boulevard, similar to existing conditions. Pursuant to the requirements of the Riverside County MS4 permit, the project is required to capture stormwater runoff from the 85th percentile, 24-hour storm event (equal to 0.653 inch rainfall depth for the project site). As demonstrated in the *Preliminary WQMP*, the project would include the construction of four infiltration trenches; two located along the southern border of the project site, one near the site’s northwest corner and one near the site’s southwest corner. These features would slow the velocity of water, facilitating treatment, infiltration, or controlled release of stormwater flows and thereby minimizing the potential for exceedances of stormwater drainage system capacity. Given that stormwater conveyance and storage facilities would be constructed to capture on-site runoff, impacts related to new or expanded stormwater facilities would be less than significant.

Energy Systems

Less Than Significant Impact – Electrical service to the project site is provided by the Moreno Valley Utility (MVU), a public power utility, and natural gas service is provided by the Southern California Gas Company (SCG). The project site is currently served by existing electricity and natural gas infrastructure in the adjacent streets. According to the CalEEMod output, the project would demand an estimated 978,279 kilowatt-hours (kWh) per year or 0.98 Gigawatt-hours per year of electricity and an estimated 4,085,364 thousand British thermal units (kBtu) of natural gas to serve the proposed commercial land uses. This increased energy demand would amount to approximately 0.5 percent

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

of MVU's annual demand⁴ in 2020 and less than 0.001 percent of SCG's annual demand in 2018. This nominal increase in energy demand is not anticipated to require additional electricity substations or natural gas storage/transmission facilities beyond those currently serving the Moreno Valley area. Impacts with respect to new or expanded electric power or natural gas facilities would be less than significant.

Telecommunications

Less Than Significant Impact – The project would not involve any components requiring telecommunications infrastructure and would not involve the relocation of existing telecommunications facilities. Therefore, development of the proposed commercial project would not result in a significant environmental effect related to the relocation or construction of new or expanded telecommunications facilities. Impacts are less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

Please refer to the discussion under Threshold 10(b), Hydrology and Water Quality and Threshold 17.a Utilities – Water. The *Utilities Study* estimated that the proposed commercial project is anticipated to demand about 11,324,572 gallons or 34.8 acre-feet per year of water. EMWD's 2020 UWMP describes the City's existing water system and projects future water supplies and demands over a 25-year planning horizon. EMWD projects an approximately 49 percent increase in its retail water demand from commercial land uses between 2020 and 2040, increasing from approximately 6,500 acre-feet per year (AFY) in 2020 to approximately 9,700 AFY in 2040. The project's anticipated water demand is accounted for in the projected demand increase and represents approximately 1.1 percent of EMWD's projected growth in retail water demand from commercial land uses through 2040. EMWD's 2020 UWMP demonstrates sufficient supplies during normal, single-dry, and multiple-dry year scenarios.

EMWD provided the project applicant with a Will Serve letter on June 17, 2020, stating that EMWD is willing to provide water and sewer service to the project contingent upon adherence to EMWD rules and regulations. The project would be subject to applicable EMWD and City regulations, including water use restrictions in times of drought. Because EMWD has provided a Will Serve letter and the project's anticipated water demand is consistent with the land use-based water demand growth projections in EMWD's 2020 UWMP, there would be sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, single-dry, and multiple-dry year scenarios. Therefore, this impact would be less than significant.

c) Result in a determination by the wastewater treatment provider which serves or may	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

⁴ According to its Annual Report, MVU provided 201,165,902 kWhrs of electricity to its customers in 2019-2020

V. ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
---	--------------------------------	--	------------------------------	-----------

serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?				
---	--	--	--	--

Response: Less Than Significant Impact

As discussed under Threshold 17.a – Wastewater, the *Utilities Study* estimated the project would generate 9,437,142 gallons of wastewater per year or approximately 0.026 million gallons per day of wastewater. This additional volume of wastewater can be adequately served by available capacity at the Moreno Valley RWRf. Furthermore, EMWD provided the project applicant with a Will Serve letter on June 17, 2020, stating that EMWD is willing to provide water and sewer service to the project contingent upon adherence to EMWD rules and regulations. Therefore, impacts would be less than significant, and no mitigation is required.

D) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact

The Riverside County Waste Management Department (RCWMD) is responsible for the efficient and effective landfill disposal of non-hazardous county waste. To accomplish this, the RCWMD operates six active landfills. Solid waste collection is a “demand-responsive” service and current service levels can be expanded and funded through user fees. Solid waste generated in Moreno Valley is disposed of at various landfills throughout Riverside County. The landfill nearest to the project site is Badlands Sanitary Landfill which accepts construction/demolition debris, contaminated soil, mixed municipal waste, and tire waste. The Badlands Sanitary Landfill is located approximately 6 miles northeast of the project site at 31125 Ironwood Avenue. According to the CalRecycle Solid Waste Information System (SWIS), the Badlands Sanitary Landfill has a maximum permitted capacity of 34,400,000 cubic yards (cy) and a remaining capacity of approximately 15,748,799 cy as of January 2015. The landfill has a maximum permitted throughput of 4,800 tons per day and has historically reported accepting an average of approximately 1,683 tons of waste per day, resulting in an excess daily capacity of approximately 3,117 tons per day.

Construction

The project site is currently vacant and so construction would not generate substantial demolition debris requiring disposal. Based on the CalEEMod run prepared for the project, the *Utilities Study* estimated that project grading would occur over approximately 20 days, resulting in the average export of approximately 99 cy (or 144 tons) of soil per day. Therefore, daily export of soil during the grading period would not exceed the 4,800 tons per day permitted throughput of the Badlands Sanitary Landfill and would remain within the landfill’s excess daily capacity. In addition, exported soil could also be transported to other area landfills that accept soil and construction debris, such as the Lamb Canyon Sanitary Landfill in Beaumont, which has a maximum permitted throughput of 5,000 tons per day, or El Sobrante Landfill in Corona, which has a

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

maximum permitted throughput of 16,054 tons per day. Exported soil may also be used at other nearby construction sites requiring fill material and may not result in any increased demand on solid waste disposal facilities. Therefore, disposal of soils from grading of the project site would not exceed the capacity of local solid waste disposal facilities. The handling of debris and waste generated during construction of the project would also be subject to 2016 CALGreen requirements and the California Integrated Waste Management Act of 1989 (Assembly Bill or AB 939) requirements for salvaging, recycling, and reuse of materials from construction activity on the project site. Pursuant to 8.80.030 of the Moreno Valley Municipal Code, the project would be required to submit a waste management plan demonstrating that at least 50 percent of the construction and demolition material produced by the project will be diverted. Therefore, impacts related to solid waste generated during construction would be less than significant and no mitigation is required.

Operation

Once occupied, the project would be served by Waste Management which is a City of Moreno Valley solid waste franchise hauler. Provides solid waste and recycling collection services for the project site. According to CalEEMod outputs, the project would generate approximately 212 tons of solid waste annually, or roughly 0.6 tons of solid waste per day. Therefore, the project’s anticipated annual solid waste generation would account for approximately 0.01 percent of Badlands Sanitary Landfill’s daily permitted throughput and would remain within the landfill’s excess daily capacity. Other nearby landfills, such as Lamb Canyon Sanitary Landfill in Beaumont and El Sobrante Landfill in Corona also have excess capacity to serve the project. Given this small proportion of waste and the existing surplus capacity at Badlands Sanitary Landfill and other nearby landfills, the solid waste generated by operation of the project would be adequately accommodated by existing landfills. Impacts will be less than significant, and no mitigation is required.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact

The California Integrated Waste Management Act of 1989 (AB 939) requires every city and county in the state to prepare a Source Reduction and Recycling Element to its Solid Waste Management Plan, that identifies how each jurisdiction will meet the mandatory state diversion goal of 50% by and after the year 2000. The purpose of AB 939 is to “reduce, recycle, and re-use solid waste generated in the state to the maximum extent feasible.” For operational waste, AB 939 requires all cities and counties to divert a minimum of 50 percent of all solid waste from landfills. In addition, any hazardous materials collected on the project site during either construction or operation of the project will be transported and disposed of by a permitted and licensed hazardous materials service provider, as stated under issue 9, Hazards and Hazardous Materials, above.

The project would also be required to comply with the City’s Recycling and Diversion of Construction and Demolition Waste Ordinance, codified in Chapter 8.80 of the Moreno Valley Municipal Code which regulates waste collection, transfer, and disposal in the

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

City. The project would be required to comply with federal, state, and local statutes and regulations related to solid waste. Therefore, because the project would be served by landfills with sufficient capacity and would comply with applicable regulations related to solid waste, impacts would be less than significant, and no mitigation is required.

Mitigation Measures

No mitigation is required.

Sources:

1. Moreno Valley General Plan, May 20, 2021
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
4. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
5. Moreno Valley Municipal Code Chapter 8.10 Stormwater/Urban Runoff Management and Discharge Controls
6. Moreno Valley Municipal Code Section 8.21.170 National Pollutant Discharge Elimination System (NPDES).
7. Moreno Valley Municipal Code Chapter 8.80 – Recycling and Diversion of Construction and Demolition Waste
8. Riverside County Construction/Demolition Debris Recyclers:
<https://www.rcwaste.org/Portals/0/Files/WasteGuide/CD-DebrisRecyclers.pdf>
9. CalRecycle, Solid Waste Information System (SWIS) Facility/Site Activity Details:
10. Badlands Sanitary Landfill:
<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2245?siteID=2367>
11. El Sobrante Landfill
<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2256?siteID=2402>
12. Lamb Canyon Landfill
<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2246?siteID=2368>
13. Moreno Valley Utility (MVU) <https://moval.gov/mvu/about-mvu.html>
14. Moreno Valley Utility, 2019-2020 Annual Report
<http://www.moval.org/mvu/pubs/MVU-2020-AnnualReport/index.html>
15. *Alessandro and Lassalle Commercial Center, Utilities and Service Systems Study (Utilities Study)*, prepared by Rincon Consultants, Inc., 10-20-2020 (**Appendix L**)
16. *Project Specific Water Quality Management Plan, Moreno Valley Commercial Center Development No: PEN19-0039, Design Review/Case No: LWQ19-0006 (WQMP)*, prepared by Plump Engineering, Inc., 7-27-2022 (**Appendix I2**)

20. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: Less Than Significant Impact

The proposed Project is not located within a Very High Fire Hazard Severity Zone in a Local Responsibility Area (LRA) or State Responsibility Area (SRA), shown on **Figure 9-4, Fire Hazard Severity Zones**, in the Hazards and Hazardous Materials Section of this

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

<p>IS. Please also review the discussion under Subchapter 9, Issue (g), Hazards and Hazardous Materials. The proposed project site is currently vacant and with minimal vegetation cover. The site does not contain a heavy fuel load at present because vegetation has been managed through periodically blading of the site. The City of Moreno Valley reviews all proposed projects and provides conditions of approval for setbacks; building and fire sprinkler requirements; roofing design and material and construction requirements, fuel modification; and other measures as appropriate to reduce the risk to the development and surrounding uses to fire hazards. Furthermore, given the urban setting within which the Project is located and availability of local roadways to access the site, it is not anticipated that the development of the project site would substantially impair an adopted emergency response or evacuation plan. Furthermore, the project would improve surrounding roadways to provide access to the project site, which would enhance emergency access in the project area.</p>				
<p>b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Response: <i>Less Than Significant Impact</i></p> <p>The proposed Project is characterized by essentially flat topography that has been disturbed by past farming and surrounding residential and roadway development. The site is characterized by ruderal vegetation. A few native plant species were observed on the project site that are considered “weedy” in nature such as western ragweed (<i>Ambrosia psilostachya</i>), telegraph weed (<i>Heterotheca grandiflora</i>), jimson weed (<i>Datura stramonium</i>), and Canadian horseweed (<i>Erigeron canadensis</i>). Additional non-native plant species observed on the site include Russian thistle (<i>Salsola tragus</i>) and short-pod mustard (<i>Hirschfeldia incana</i>). The potential for significant exposure of site occupants to pollutant concentrations from a wildfire would be minimal. The project site itself is not anticipated to be exposed to wildfire, particularly once developed because the site will be cleared, which will minimize fire risk. Based on the site location, and the condition of the site and surrounding area, the project will have a less than significant potential to exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. No mitigation is required.</p>				
<p>c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Response: <i>Less Than Significant Impact</i></p> <p>The Project will require associated infrastructure in support of the project operations/occupancy as follows: the project will require a potable water connection to the Eastern Municipal Water District’s service area, including 8-inch water main lines to the west of the project site on Alessandro Boulevard and to the north of the project on</p>				

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Lasselle and Timo Street. Based on the project's utility site plan, a total of 16 water lateral connections would be installed to connect the project site to the existing water mains, including three 2-inch domestic water connections and meters and three 4-inch fire water connections for hydrant supply off the Alessandro main and five 2-inch domestic water connections and meters and five 4-inch fire water connections off the Timo Street main.

The project will require an eastward extension of the existing sewer line in Alessandro Boulevard to reach the project site, and installation of two 6-inch sewer laterals to connect to the proposed carwash and retail building in the southwestern portion of the site. Additionally, three 6-inch sewer laterals off of the Lasselle main and two 6-inch laterals off the Timo Street main would be constructed to serve the remainder of the project site. As with water facilities, sewer line extensions necessary to connect the proposed new buildings to existing facilities along Alessandro Boulevard, Lasselle Street, and Timo Street would be installed in conjunction with the project and would require minimal ground disturbance in the already-disturbed roadways.

Electricity will be provided by Southern California Edison will require the power lines in front of the property along Alessandro Boulevard to be installed underground; the site will connect to the existing natural gas line in Alessandro Boulevard.

Therefore, given that the proposed project is not located within a very high fire hazard severity zone, the Project would not have a significant potential to exacerbate wildfire risk or to result in temporary or ongoing impacts to the environment. Impacts under this issue are considered less than significant.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact*

The discussion under Subchapter 7, Geology and Soils, concluded that the Project would not have a significant potential to experience landslides or slope instability. Once constructed, the project site will remain essentially flat, and the drainage will be managed onsite in an efficient manner that would not expose people or structures to significant risk. Furthermore, as discussed under Subchapter 10, Hydrology and Water Quality, the Project is not located in an area containing a flood hazard, and the project site is anticipated to remain stable should a wildfire occur at or near the project site. As discussed above, the Project is not anticipated to be exposed to substantial fire risk because of the lack of fuel to spread wildfire surrounding the site. Therefore, the development of the project at this site is anticipated to have a less than significant potential to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No mitigation is required.

Mitigation Measures

No mitigation is required.

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Sources:

1. Moreno Valley General Plan, May 20, 2021 (April 2, 2021)
2. Final Environmental Impact Report City of Moreno Valley General Plan, May 20, 2021
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. Local Hazard Mitigation Plan, City of Moreno Valley Fire Department, adopted October 4, 2011, amended 2017, http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf
 - Chapter 5 – Wildland and Urban Fires
 - Figure 5-2 – Moreno Valley High Fire Area Map 2016
 - Chapter 8 – Landslide
 - Figure 8-1 – Moreno Valley Slope Analysis 2016
5. Emergency Operations Plan, City of Moreno Valley, March 2009, http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf
6. Threat Assessment 3 – Wildfire
7. CALFIRE FHSZ Viewer: <https://egis.fire.ca.gov/FHSZ/>
8. *Alessandro and Lasselle Commercial center Utilities and Service Systems Study*, prepared by Rincon Consultants, Inc., 10-2020 (USSS, **Appendix L**)

21. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	-------------------------------------	--------------------------	--------------------------

Response: *Less Than Significant with Mitigation* – Implementation of the proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

Please reference the discussions in Section 4 (Biological Resources – Wildlife & Vegetation), Section 5 (Cultural Resources – Historic and Archaeological Resources), Section 7 (Geology and Soils – Paleontological Resources), and Section 18 (Tribal Cultural Resources). In addition to the mitigation outlined below, standard City conditions will apply to the proposed project. Any impacts are considered less than significant with mitigation incorporated (see below):

Biological Resources

- MM-BIO-1** Burrowing Owl Survey
- MM-BIO-2** Nesting Bird Survey

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

Cultural/Tribal Cultural Resources

- MM-CUL-1** Archaeological Monitoring
- MM-CUL-2** Native American Monitoring
- MM-CUL-3** Cultural Resource Monitoring Plan (CRMP)
- MM-CUL-4** Cultural Resource Disposition
- MM-CUL-5** Inadvertent Finds
- MM-CUL-6** Human Remains
- MM-CUL-7** Non-Disclosure of Reburial Locations
- MM-CUL-8** Archaeology Report – Phase III and IV

Paleontological Resources

- MM-GEO-4** Paleontological Monitor

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Response: *Less Than Significant Impact* – The project does not have impacts which are individually limited, but cumulatively considerable. As demonstrated in Sections 1 – 20 of this Initial Study (IS)/MND, in particular regarding air quality and greenhouse gas emissions that have established thresholds to consider cumulative impacts as well as hydrology and traffic impacts that consider the existing and currently planned development of the area and the specific respective drainage and traffic impacts to the overall area in a cumulative manner. As illustrated in the IS, the project will not have any impacts that cannot be reduced to less than significant with the incorporation of mitigation, project design features, and/or conditions of approval. Therefore, no cumulative impacts are anticipated to occur. The impacts of the proposed project are not considerable when viewed in connection with those of other projects (past, current, or future) as most properties in this area are agricultural, rural, open space, or vacant land. Any impacts are considered less than significant with implementation of standard conditions of approval and mitigation for impacts to biological, cultural, and paleontological resources.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------

Response: *Less Than Significant with Mitigation* - Effects on human beings were evaluated as part of this analysis of this Initial Study/MND and found to be less than significant with implementation of mitigation measures, standard conditions, and/or project design features in aesthetics, air quality, geology and soils, greenhouse gas emissions, hydrology & water quality, noise, public services, and transportation. Based on the analysis and conclusions in this Initial Study/MND, the proposed project will not cause substantial adverse effects directly or indirectly to human beings. Mitigation was recommended for impacts related to air quality, geology and soils, and hazards and hazardous materials (see below), and a number of standard conditions of approval were added for noise impacts.

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

V. ISSUES & SUPPORTING INFORMATION SOURCES:

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

2.b

Therefore, potential direct and indirect impacts on human beings that result from the proposed project are considered less than significant with mitigation (see below) in addition to implementation of standard City conditions:

Air Quality

MM-AQ-1 CARB Tier 3 Construction Engines

Geology and Soils

MM-GEO-1 Cover Backfill Materials

MM-GEO-2 Water Spraying for Dust Suppression

MM-GEO-3 Implement Geotech Recommendations

Hazards and Hazardous Materials

MM-HAZ-1 Control Spills during Construction

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

VI. MITIGATION MONITORING REPORTING PROGRAM:

Section 21081.6 of the CEQA Guidelines requires that a Mitigation, Monitoring, and Reporting Program (MMRP) be adopted upon certification of an EIR or adoption of a MND to ensure that the mitigation measures are implemented. The MMRP specifies the mitigation for the project, when in the process it should be accomplished, and the entity responsible for implementing and/or monitoring the mitigation. Public Resources Code Section 21081.6 requires monitoring of only those impacts identified as significant or potentially significant. After analysis, potentially significant impacts requiring mitigation were identified for biological resources and tribal cultural resources. The MMRP is presented below in Table 2.

Mitigation Monitoring Reporting Program

Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
Air Quality			
<p>MM-AQ-1</p> <p>During the site preparation phase, construction equipment, the construction contractor shall ensure that off-road diesel construction equipment greater than 150 horsepower (hp) complies with Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 3 emissions standards and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications.</p>	During site preparation	Applicant/ Public Works	
Biological Resources			
<p>MM-BIO-1</p> <p>Pre-construction surveys for BUOW shall be conducted within 30 days prior to commencement of project-related ground disturbance to verify that BUOW remain absent from the project Area.</p> <p>If burrowing owl are discovered within the project footprint, a project specific BUOW protection and/or passive relocation plan shall be prepared to determine suitable buffers and/or artificial burrow construction locations to minimize impacts to this species. If BUOW is found on-site at the time of construction, all activities likely to affect the animal(s) shall cease immediately and regulatory agencies shall be contacted to determine appropriate management actions.</p>	Prior to Issuance of Grading Permit	Applicant/ Qualified Biologist/ Planning Division	

Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
<p style="text-align: center;">MM-BIO-2</p> <p>California prohibits the “take” of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the State identified nesting season (typically February 1 through September 1). Alternatively, nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair’s behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Applicant/ Qualified Biologist/ Planning Division</p>	
<p>Cultural and Tribal Cultural Resources</p>			
<p style="text-align: center;">MM-CUL-1</p> <p>Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s), including the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP as defined in MM-CUL-3. The Project archaeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.</p>	<p>Prior to the Issuance of a Grading Permit</p>	<p>Applicant/ Qualified Archaeologist/ Public Works</p>	

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/ Initials
<p style="text-align: center;">MM-CUL-2</p> <p>Prior to the issuance of a grading permit, the Developer shall secure agreements with the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, for tribal monitoring. The Developer is also required to provide a minimum of 30 days' advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.</p>	<p style="text-align: center;">Prior to the Issuance of a Grading Permit</p>	<p style="text-align: center;">Applicant/ Consulting Tribe(s)/ Planning Division</p>	
<p style="text-align: center;">MM-CUL-3</p> <p>The Project Archaeologist, in consultation with the Consulting Tribe(s), including the Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:</p> <ol style="list-style-type: none"> a. Project description and location; b. Project grading and development scheduling; c. Roles and responsibilities of individuals on the Project; d. The pre-grading meeting and Cultural Resources Worker Sensitivity Training details; e. The protocols and stipulations that the contractor, City, Consulting Tribe (s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation; f. The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items; and g. Contact information of relevant individuals for the Project. 	<p style="text-align: center;">Prior to the Issuance of a Grading Permit</p>	<p style="text-align: center;">Applicant/ Project Archaeologist / Consulting Tribe(s)/ Contractor/ Planning Division</p>	

Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/ Initials
<p style="text-align: center;">MM-CUL-4</p> <p>In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <p>a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department:</p> <p>i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources.</p> <p>ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure MM-CUL-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in MM-CUL-3 The location for the future reburial area shall be identified on a confidential exhibit on file with the City and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.</p> <p>The City shall verify that the following note is included on the Grading Plan: "If any suspected archaeological resources are discovered during ground –disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find."</p>	<p style="text-align: center;">During Ground Disturbing Activities</p>	<p style="text-align: center;">Applicant/ Qualified Archaeologist/ Public Works/ Planning Division</p>	
<p style="text-align: center;">MM-CUL-5</p> <p>If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer</p>	<p style="text-align: center;">During Ground Disturbing Activities</p>	<p style="text-align: center;">Applicant/ Qualified Archaeologist/ Public Works/ Planning Division</p>	

Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/ Initials
<p>area and will be monitored by additional archaeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in MM-CUL-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archaeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p>			
<p align="center">MM-CUL-6</p> <p>If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant". The "most likely descendant" shall then make recommendations and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).</p>	<p align="center">During Ground Disturbing Activities</p>	<p align="center">Applicant/ Qualified Archaeologist/ Public Works</p>	
<p align="center">MM-CUL-7</p> <p>It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).</p>	<p align="center">During Ground Disturbing Activities</p>	<p align="center">Applicant/ Qualified Archaeologist/ Contractor/ Public Works</p>	
<p align="center">MM-CUL-8</p> <p>Prior to final inspection, the developer/permit holder shall prompt the Project Archaeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community</p>	<p align="center">Prior to Final Inspection</p>	<p align="center">Applicant/ Qualified Archaeologist/ Contractor/ Public Works</p>	

Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/ Initials
Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).			
Geology and Soils			
<p>MM-GEO-1</p> <p>Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. Where covering is not possible, measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the project site for future cleanup such that erosion does not occur.</p>	During Construction	Applicant/ Public Works	
<p>MM-GEO-2</p> <p>All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the project is being constructed.</p>	During Construction	Applicant/ Public Works	
<p>MM-GEO-3</p> <p>Based upon the <i>Geotechnical Investigation</i>, all of the recommended design parameters identified (pp. 6-20) shall be implemented by the Applicant. Implementation of these specific measures will address all of the identified geotechnical constraints identified at project site, including remediation to address subsidence.</p>	During Construction	Applicant/ Building and Safety Division/Public Works	
<p>MM-GEO-4</p> <p>Monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources by a qualified paleontologist or paleontological monitor. Full-time monitoring will be conducted in areas of grading or excavation in undisturbed, very old alluvial fan sediments, starting at a depth of five feet below the surface. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified paleontological personnel to have a low potential to contain or yield fossil resources.</p>	During Ground Disturbing Activities	Applicant/ Paleontological Monitor/ Public Works/ Planning Division	

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
<p>Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils are collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes are taken on the map location and stratigraphy of the site, and the site is photographed before it is vacated, and the fossils are removed to a safe place. On mass grading projects, any discovered fossil site is protected by red flagging to prevent it from being overrun by earthmovers (scrapers) before salvage begins. Fossils are collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld Global Positioning System units. If the site involves a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, Brian F. Smith and Associates, Inc. (BFSA) will send a fossil recovery crew in to excavate around the find, encase the find within a plaster jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment is solicited to help remove the jacket to a safe location before it is returned to the BFSA laboratory facility for preparation.</p> <p>Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry-screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments. If present, as many as 20 to 40 five-gallon buckets of sediment can be collected and returned to a separate facility to wet- screen the sediment. In the laboratory, individual fossils are cleaned of extraneous matrix, any breaks are repaired, and the specimen, if needed, is stabilized by soaking in an archivally approved acrylic hardener (e.g., a solution of acetone and Paraloid B- 72).</p> <p>Preparation of recovered specimens to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.</p> <p>Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (e.g., the Western Science Center, 2345 Searl Parkway, Hemet, California 92543). The paleontological program should include a written repository agreement prior to the initiation of mitigation activities.</p> <p>Preparation of a final monitoring and mitigation report (MMRP) of findings and significance, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location. The report, when submitted to the appropriate lead agency (City of Moreno</p>			

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

Mitigation Measure	Timing of Verification	Responsible for Verification	Status/Date/Initials
<p>Valley), will signify satisfactory completion of the project program to mitigate impacts to any paleontological resources.</p> <p>Decisions regarding the intensity of the MMRP will be made by the project paleontologist based upon the significance of the paleontological resources and their biostratigraphic, biochronologic, paleoecologic, taphonomic, and taxonomic attributes, not upon the ability of a project proponent to fund the MMRP.</p>			
Hazards and Hazardous Materials			
<p>MM-HAZ-1</p> <p>All spills or leakage of petroleum products during construction or operational activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility. This measure will be incorporated into the SWPPP prepared for the project development.</p>	<p>During Construction and/or Operations</p>	<p>Applicant/ Building and Safety Division/ Public Works</p>	

Attachment: Exhibit A to Resolution No. 2023-27 IS/MND / Mitigation and Reporting Program (6279 : PEN21-0273 Master Plot Plan)

**CITY OF MORENO VALLEY
NOTICE OF INTENT TO ADOPT
MITIGATED NEGATIVE DECLARATION**

NOTICE IS HEREBY GIVEN that the City of Moreno Valley is considering a recommendation that the project herein identified will have no significant environmental impact in compliance with Section 15070 of the CEQA guidelines. A copy of the **MITIGATED NEGATIVE DECLARATION** and the **ENVIRONMENTAL CHECKLIST**, which supports the proposed findings, are on file at the City of Moreno Valley.

Project: Master Plot Plan: PEN21-0273
Plot Plans: PEN19-0041; PEN19-0042; PEN19-0043; PEN20-0204; PEN20-0205
Conditional Use Permits: PEN19-0044; PEN19-0045; PEN20-0203
Tentative Tract Map No. 38621: PEN19-0039

Applicant: Danny Singh
Owner: Northwest Moreno Prop
Location: Northwest corner of Alessandro Boulevard and Lasselle Street, City of Moreno Valley, County of Riverside, California. Assessor's Parcel Number 479-631-010.

Proposal: A commercial center with restaurant/drive-throughs, gas station with convenience store and quick service restaurant space with drive-through, sit down restaurant, bank with drive-through, office and retail buildings, and an express car wash on an approximately 8-acre site, and Tentative Tract Map No. 38621.

Council District: 3

This Notice of Intent (NOI) has been prepared to notify agencies and interested parties that the City of Moreno Valley, as the Lead Agency, has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the requirements of the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with construction and operation of the project as described below.

Project Description: The applicant proposes five (5) Plot Plans, three (3) Conditional Use Permits, and Tentative Tract Map No. 38621 (all under Master Plot Plan PEN21-0273) for the development of an approximately 8-acre commercial center. The Proposed Project includes the following: an 8-pump gas station with a convenience store, an express car wash, and quick service restaurant space with drive-through, two fast food restaurants with drive-throughs, sit down restaurant with patio, bank building with drive-through, two office buildings, and two retail buildings, along with associated parking and landscape improvements.

The Project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Document Availability: The Initial Study/Mitigated Negative Declaration, and all documents incorporated and/or referenced therein, can be reviewed during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and Friday, 7:30 a.m. to 4:30 p.m.) at the City of Moreno Valley Planning Division counter, located at 14177 Frederick Street, Moreno Valley, CA 92553. The documents may also be reviewed on the City's website at <http://www.moreno-valley.ca.us/cdd/documents/about-projects.html>.

Potential Environmental Impacts: The City of Moreno Valley has prepared an Initial Study to determine the environmental effects associated with the above actions and finds the issuance of a Mitigated Negative Declaration is the appropriate level of environmental review. The Initial Study/Mitigated Negative Declaration concludes that all potentially significant impacts of the Project would be mitigated to a less than significant level.

Comment Deadline: Pursuant to Section 15105(b) of the CEQA Guidelines, the City has established a 30-day public review period for the Initial Study/Mitigated Negative Declaration, which begins May 10, 2023, and ends June 9, 2023. Written comments on the Initial Study/Mitigated Negative Declaration must be received at the City of Moreno Valley Community Development Department no later than the conclusion of the 30-day review period at 5:30 p.m. on June 9, 2023. Written comments on the Initial Study/Mitigated Negative Declaration should be addressed to:

Gabriel Diaz, Associate Planner
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Phone: (951) 413-3206
Email: planningnotices@moval.org

Press-Enterprise

May 10, 2023

Sean Kelleher
Acting Community Development Director
Community Development Department

Newspaper

Date of Publication

Attachment: Exhibit B to Resolution No. 2023-27 Notice of Intent to Adopt a Mitigated Negative Declaration (6279 : PEN21-0273 Master Plot

RESOLUTION NUMBER 2023-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A MASTER PLOT PLAN (PEN21-0273), PLOT PLANS (PEN19-0041, PEN19-0042, PEN19-0043, PEN20-0204, PEN20-0205), AND CONDITIONAL USE PERMITS (PEN19-0044, PEN19-0045, PEN20-0203) FOR THE NORTHWEST COMMERCIAL CENTER LOCATED ON THE NORTHWEST CORNER OF ALESSANDRO BOULEVARD AND LASSELLE STREET, (APN: 479-631-010)

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

WHEREAS, Northwest Moreno Properties, LLC. (“Applicant”) has submitted applications for a Master Plot Plan PEN21-0273 for an approximately 8.51 gross acre Commercial Center (45,680 SF); Plot Plan PEN19-0041 for an express car wash (3,850 SF); Plot Plan PEN19-0042 for Office Building A (4,950 SF); Plot Plan PEN19-0043 for Office Building B (4,950 SF); Plot Plan PEN20-0204 for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); Plot Plan PEN20-0205 for Bank Building (3,775 SF); Conditional Use Permit (CUP) PEN19-0044 an 8-pump fuel station, convenience store (3,825 SF) and fast food restaurant space with drive-through (1,600 SF); CUP PEN19-0045 for Building A Retail (1,600 SF)/Fast Food with Drive-through (3,320 SF); CUP PEN20-0203 Building B Retail (1,600 SF)/Fast Food with Drive-through (3,320 SF) (“Proposed Project”) located at the northwest corner of Alessandro Boulevard and Lasselle Street (APN: 479-631-010) (“Project Site”); and

WHEREAS, the applications for the Proposed Project have been evaluated in accordance with Section 9.02.070 (Plot Plan) and 9.02.060 (Conditional Use Permits), respectively, of the Municipal Code with consideration given to the City’s General Plan, Zoning Ordinance, and other applicable laws and regulations; and

WHEREAS, Section 9.02.070 of the Municipal Code imposes conditions of approval upon projects for which a Plot Plan 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 and 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, Section 9.02.020 (Permitted Uses) provides that Auto Service Stations, Fast Food Restaurants with drive-throughs are allowed within Corridor Mixed Use (COMU) District, with a properly secured conditional use permit approved through the Planning Commission when the use is located 300 feet or less from a residential zone or use; and

WHEREAS, Section 9.02.060 (Conditional Use Permits) of the Moreno Valley Municipal Code acknowledges that the purpose of conditional use permits is to allow the establishment of uses that may have special impacts or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location and that the conditional use permit application process involves the review of location, design, and configuration of improvements related to the Project, and the potential impact of the Project on the surrounding area based on fixed and established standards; and

WHEREAS, Section 9.02.060 of the Municipal Code imposes conditions of approval upon projects for which a Conditional Use Permit 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, consistent with the requirements of Section 9.02.060 (Conditional Use Permits) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Conditional Use Permits PEN19-0044, PEN19-0045, PEN20-0203 (“CUP”), 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 proposed Project will be developed in accordance with the purpose and intent of Title 9 (“Planning and Zoning”) of the Municipal Code; and

WHEREAS, consistent with the requirements of Section 9.02.070 (Plot Plan) of the Municipal Code, at the public hearing, the Planning Commission considered Conditions of Approval to be imposed upon Master Plot Plan (PEN21-0273) and Plot Plans (PEN19-0041, PEN19-0042, PEN19-0043, PEN20-0204, PEN20-0205) 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 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, a public hearing was scheduled for June 22, 2023, and notice thereof was duly published, posted, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on June 22, 2023, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

WHEREAS, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.070 of the Municipal Code and set

forth herein could be made concerning the Proposed Project as conditioned by Conditions of Approval; and

WHEREAS, on June 22, 2023, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the Planning Commission approved Resolution 2023-27, certifying a Mitigated Negative Declaration and approving the Mitigation Monitoring and Reporting Program for the Proposed Project.

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, in the staff report and conditions of approval (collectively, "Conditions"); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Plot Plans

Section 3. Evidence

That the Planning Commission has considered all evidence submitted into the Administrative Record for the Proposed 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 Master Plot Plan (PEN21-0273) and Plot Plans (PEN19-0041, PEN19-0042, PEN19-0043, PEN20-0204, PEN20-0205) including Resolution No. 2023-29 and all documents, records, and references contained therein;
- (d) Conditions of Approval for Master Plot Plan (PEN21-0273) and Plot Plans (PEN19-0041, PEN19-0042, PEN19-0043, PEN20-0204, PEN20-0205), attached hereto as Exhibit A;

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

- (e) Application for the approval of an Conditional Use Permits PEN19-0044, PEN19-0045, PEN20-0203 and all documents, records, and references contained therein;
- (f) Conditions of Approval for Conditional Use Permits PEN19-0044, PEN19-0045, PEN20-0203 attached hereto as Exhibit B;
- (g) 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;
- (h) Testimony, and/or comments from Applicant and its representatives during the public hearing; and
- (i) Testimony and/or comments from all persons 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 the Proposed Project:

- a. The proposed project is consistent with the goals, objectives, policies and programs of the General Plan;
- b. The proposed project complies with all applicable zoning and other regulations;
- c. The proposed 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 proposed 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, as set forth herein, the Planning Commission hereby approves the Proposed Project subject to the Conditions of Approval for Master Plot Plan (PEN21-0273) and Plot Plans (PEN19-0041, PEN19-0042, PEN19-0043, PEN20-0204, PEN20-0205) attached hereto as Exhibit A. and Conditions of Approval for Conditional Use Permits PEN19-0044, PEN19-0045, PEN20-0203, attached hereto as Exhibit B.

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 22nd DAY OF JUNE, 2023.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohette, Chairperson

ATTEST:

Sean P. Kelleher,
Acting Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

- Exhibits:
- Exhibit A: Master Plot Plan (PEN21-0273) Conditions of Approval
- Exhibit B: Plot Plan (PEN19-0041) Conditions of Approval
- Exhibit C: Plot Plan (PEN19-0042) Conditions of Approval
- Exhibit D: Plot Plan (PEN19-0043) Conditions of Approval
- Exhibit E: Plot Plan (PEN20-0204) Conditions of Approval
- Exhibit F: Plot Plan (PEN20-0205) Conditions of Approval
- Exhibit G: Conditional Use Permit (PEN19-0044) Conditions of Approval
- Exhibit H: Conditional Use Permit (PEN19-0045) Conditions of Approval
- Exhibit I: Conditional Use Permit (PEN20-0203) Conditions of Approval

Attachment: Resolution No. 2023-28 Plot Plans & Conditional Use Permits [Revision 6] (6279 : PEN21-0273 Master Plot Plan)

Exhibit A

Master Plot Plan (PEN21-0273) Conditions of Approval

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 1

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL
Master Plot Plan (PEN21-0273)

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. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. In the event the uses hereby permitted cease operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. Applicable to the Condition Use Permit Applications PEN19-0044; PEN19-0045; PEN20-0203.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 2

prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
8. 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)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. 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

11. Provide a minimum 10-foot setback on Alessandro Blvd. The 10-foot setback area must include street trees and be landscaped per the City Landscape Standards.
12. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application,

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 3

Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
15. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
16. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for 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)
17. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 4

amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.
 - b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
 - c. Maintenance of any and all common facilities.
 - d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.
 - e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.
18. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
 19. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
 20. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
 21. The site has been approved for PEN21-0273 Master Plot Plan for an approximately 8.5 acre Commercial Center (45,680 SF); PEN19-0041 Plot Plan for an express car wash (3,850 SF); PEN19-0042 Plot Plan for Office Building A (4,950 SF); PEN19-0043 Plot Plan for Office Building B (4,950 SF); PEN19-0044 Conditional Use Permit (CUP) an 8-pump fuel station, convenience store (3,825 SF) and quick service restaurant space with drive-thru (1,600 SF); PEN19-0045 CUP for Building A Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0203 CUP Building B Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0204 Plot Plan for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); PEN20-0205 Plot Plan for Bank Building (3,775 SF); and PEN19-0039 Tentative

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 5

Parcel Map No. 38621. A change or modification shall require separate approval.

22. The fuel station and fast-food restaurant uses shall provide one outdoor trash receptacle for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)

23. Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

c. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 6

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
26. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
27. Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
28. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
29. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must 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 immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 7

- shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).
30. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
 31. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
 32. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
 33. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
 34. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 8

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
- 35. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
- 36. Prior to issuance of any Building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
- 37. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
- 38. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
- 39. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
 - a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - e. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way.

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 9

Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

40. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
41. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
42. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
43. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
44. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 10

completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

45. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
46. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
47. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
49. 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.
50. Contact the Building Safety Division for permit application submittal requirements.
 - Construction drawings shall be submitted to Building & Safety for permit application and issuance
 - Separate Onsite domestic water and sewer plans drawings shall be submitted to Building & Safety for permit application and issuance
51. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
52. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 11

obtained from the Building Official or City Engineer.

53. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
54. 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.
55. The proposed project will be 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.
56. 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 including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
57. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
58. 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.
59. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

60. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
61. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
62. New Moreno Valley businesses are encouraged to hire local residents.
63. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 12

web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.

64. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

65. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
66. 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)
67. 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)
68. 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)
69. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
70. 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

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 13

specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)

71. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
72. 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.
73. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
74. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
75. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
76. 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 than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
77. 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])
78. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 14

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
79. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 80. 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)
 81. 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)
 82. 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)
 83. 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)
 84. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 85. 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)
 86. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 15

87. 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)
88. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
89. 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**

90. 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.
91. 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 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

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 16

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 to be 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.

92. 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.
93. 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**

94. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume.

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 17

- Any existing striping shall be removed prior to slurry application and replaced per City standards.
95. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
 96. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
 97. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
 - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.

Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
 98. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
 99. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 18

acquisition. [GC 66462.5]

100. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
101. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). 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]
102. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
103. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
104. The proposed private storm drain system shall connect to the proposed undersidewalk drain(s) within the public right of way.
105. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Parcel Map (recording prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, sewer / water, traffic signal, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to occupancy release);
106. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 19

construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

107. Resolution of all drainage issues shall be as approved by the City Engineer.
108. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
109. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
110. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
111. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 20

perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

112. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
113. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
114. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
115. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
116. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
117. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
118. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 21

Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of infiltration BMPs. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP’s shall be designed in accordance with the RCFC&WCD’s Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP’s as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.

Prior to Grading Permit

119. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
120. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
121. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 22

current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

122. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
123. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
124. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

125. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
126. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
127. Resolution of all drainage issues shall be as approved by the City Engineer.
128. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 23

of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

129. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
130. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
131. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
132. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

133. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
134. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
135. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
136. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
137. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
138. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 24

requirements.

139. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
140. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
141. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
142. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
143. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

144. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 25

cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

145. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

146. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
147. For all subdivision projects, the map shall be recorded. [MC 9.14.190]
148. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
149. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
150. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).
151. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) along the project frontage.
 - (b) The necessary street right of way dedication on the west side of Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) along the project frontage.
 - (c) The necessary street right of way dedication on the south side of Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) along the project frontage.

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 26

(d) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Alessandro Boulevard and Lasselle Street.

(e) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

152. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
153. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
154. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
155. For commercial, industrial, residential and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right of way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
156. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 27

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.

- 157. The Developer shall comply with the following water quality related items:
 - a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

- 158. Prior to occupancy, the following improvements shall be completed:
Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVS1-101A-1) shall be constructed to achieve a half-width of 55', full median, plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 159. Prior to occupancy, the following improvements shall be completed:
Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVS1-104A-1) shall be constructed to achieve a half-width of 38', plus an additional 18' of pavement, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 160. Prior to occupancy, the following improvements shall be completed:
Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVS1-107A-0) shall be constructed to achieve a half-width of 20', plus an additional 12' of pavement, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 28

/joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

161. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
162. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard and/or Lasselle Street.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 29

obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

163. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
164. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
165. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 30

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

166. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 31

legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

167. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

168. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
169. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 32

170. **Bioretention Basin Maintenance.** The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
171. **Maintenance Period.** The Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
172. **Independent Utilities.** Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are 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 that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
173. **Landscape Inspection Fees.** Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
174. **Landscape Guidelines.** Plans for parkway, median, slope, traffic circle, 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 or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
175. **Maintenance Responsibility.** The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
176. **Damage.** 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.
177. **Landscape Plan Check Fees.** Plan check fees for review of parkway/median, open space, and/or traffic circle 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)

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 33

Transportation Engineering Division

178. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
179. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
- Alessandro Boulevard driveways: Right-in and Right-out.
 - Lasselle Street driveway (44-ft): Full Access.
180. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
181. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
182. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications, transitions, and/or improvements undertaken by this project shall be consistent with the City's standards and CA MUTCD. Improvement include a landscaped, raised median along project frontage. The raised median shall be constructed from Lasselle Street to Chervil Court. Communication conduit along project frontage is required per City Standard Plan No. MVSI-186-0.
183. Lasselle Street is classified as an Arterial (100'RW/76'CC) per City Standard Plan No, MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
184. Timo Street is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
185. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Engineer.
186. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fencing, or monument signing shall not be located in an area that obstructs the drivers' line-of-sight.

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 34

187. 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 Alessandro Boulevard, Lasselle Street, and Timo Street. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
188. Prior to final approval of the street improvement plans, a bus bay shall be designed per City Standard plan No. MVSI-161-0 and shall be located on the north side of Alessandro Boulevard, west of Lasselle Street.
189. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for a raised median on Alessandro Boulevard along project frontage. The raised median shall be extend from Lasselle Street to Chervil Court and provide a 260-ft eastbound left-turn storage lane on Alessandro Boulevard at Lasselle Street.
190. Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
191. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards.
192. Prior to issuance of a Certificate of Occupancy, all modification work for the existing traffic signal at the intersection of Alessandro Boulevard /Lasselle Street shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
193. Prior to issuance of a Certificate of Occupancy, the raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
194. Prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Alessandro Boulevard/Lasselle street intersection. Traffic signal modification plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil engineer. Signal modifications may include, but not limited to, signal pole replacement or relocation, new video detector installation, controller cabinet relocation, controller replacement, signing and striping, curb and gutter replacement, pavement widening along the south side of Alessandro, and/or ADA access ramp replacement. Specific modifications shall be determined during plan check process.
195. Prior to final approval of the street improvement plans, the plans shall provide all

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0273)

Page 35

necessary lane reduction transitions for the street improvements on Alessandro Boulevard. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

196. Prior to the final approval of the street improvement plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following geometrics(at a minimum):
- Northbound: Two 200-ft left turn lanes, one through lane, one right turn lane;
 - Southbound: Two 90-ft left turn lane, one through lane, one shared through/right turn lane;
 - Eastbound: One 260-ft left turn lane, one future left turn lane, one through lane, one right turn lane;
 - Westbound: One left turn lane, one future left turn lane, one shared through/right turn lane.

Note that Developer will be responsible for any additional pavement widening needed to provide the geometrics listed above.

197. Prior to the final approval of the signing and striping plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following:
- Extend the westbound shared through/right turn lane to accommodate a minimum of 250 feet of storage.

PARKS & COMMUNITY SERVICES DEPARTMENT

198. This project is subject to current Development Impact Fees.

Exhibit B

Plot Plan (PEN19-0041) Conditions of Approval

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 1

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL
PLOT PLAN (PEN19-0041)

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. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. In the event the uses hereby permitted cease operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. Applicable to the Condition Use Permit Applications PEN19-0044; PEN19-0045; PEN20-0203.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 2

prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
8. 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)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. 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

11. Provide a minimum 10-foot setback on Alessandro Blvd. The 10-foot setback area must include street trees and be landscaped per the City Landscape Standards.
12. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application,

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 3

Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
15. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
16. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for 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)
17. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 4

amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.
 - b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
 - c. Maintenance of any and all common facilities.
 - d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.
 - e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.
18. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
 19. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
 20. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
 21. The site has been approved for PEN21-0273 Master Plot Plan for an approximately 8.5 acre Commercial Center (45,680 SF); PEN19-0041 Plot Plan for an express car wash (3,850 SF); PEN19-0042 Plot Plan for Office Building A (4,950 SF); PEN19-0043 Plot Plan for Office Building B (4,950 SF); PEN19-0044 Conditional Use Permit (CUP) an 8-pump fuel station, convenience store (3,825 SF) and quick service restaurant space with drive-thru (1,600 SF); PEN19-0045 CUP for Building A Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0203 CUP Building B Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0204 Plot Plan for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); PEN20-0205 Plot Plan for Bank Building (3,775 SF); and PEN19-0039 Tentative

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 5

Parcel Map No. 38621. A change or modification shall require separate approval.

22. The fuel station and fast-food restaurant uses shall provide one outdoor trash receptacle for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)

23. Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

c. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 6

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
26. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
27. Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
28. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
29. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must 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 immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 7

- shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).
30. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
 31. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
 32. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
 33. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
 34. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 8

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
- 35. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
- 36. Prior to issuance of any Building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
- 37. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
- 38. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
- 39. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
 - a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - e. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 9

Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

40. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
41. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
42. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
43. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
44. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 10

completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

45. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
46. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
47. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
49. 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.
50. Contact the Building Safety Division for permit application submittal requirements.
 - Construction drawings shall be submitted to Building & Safety for permit application and issuance
 - Separate Onsite domestic water and sewer plans drawings shall be submitted to Building & Safety for permit application and issuance
51. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
52. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 11

obtained from the Building Official or City Engineer.

53. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
54. 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.
55. The proposed project will be 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.
56. 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 including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
57. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
58. 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.
59. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

60. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
61. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
62. New Moreno Valley businesses are encouraged to hire local residents.
63. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 12

web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.

64. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

65. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
66. 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)
67. 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)
68. 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)
69. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
70. 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

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 13

specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)

71. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
72. 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.
73. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
74. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
75. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
76. 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 than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
77. 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])
78. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 14

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
79. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 80. 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)
 81. 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)
 82. 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)
 83. 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)
 84. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 85. 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)
 86. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 15

87. 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)
88. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
89. 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**

90. 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.
91. 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 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

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 16

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 to be 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.

92. 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.
93. 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**

94. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 17

Any existing striping shall be removed prior to slurry application and replaced per City standards.

95. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
96. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
97. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.
- Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
98. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
99. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 18

acquisition. [GC 66462.5]

100. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
101. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). 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]
102. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
103. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
104. The proposed private storm drain system shall connect to the proposed undersidewalk drain(s) within the public right of way.
105. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Parcel Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, sewer / water, traffic signal, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to occupancy release);
106. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 19

construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

107. Resolution of all drainage issues shall be as approved by the City Engineer.
108. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
109. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
110. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
111. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 20

perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

112. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
113. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
114. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
115. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
116. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
117. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
118. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 21

Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of infiltration BMPs. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.

Prior to Grading Permit

119. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
120. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
121. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 22

current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

122. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
123. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
124. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

125. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
126. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
127. Resolution of all drainage issues shall be as approved by the City Engineer.
128. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 23

of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

129. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
130. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
131. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
132. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

133. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
134. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
135. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
136. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
137. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
138. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 24

requirements.

139. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
140. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
141. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
142. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
143. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

144. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 25

cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

145. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

146. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
147. For all subdivision projects, the map shall be recorded. [MC 9.14.190]
148. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
149. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
150. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).
151. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) along the project frontage.
 - (b) The necessary street right of way dedication on the west side of Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) along the project frontage.
 - (c) The necessary street right of way dedication on the south side of Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) along the project frontage.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 26

(d) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Alessandro Boulevard and Lasselle Street.

(e) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

152. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
153. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
154. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
155. For commercial, industrial, residential and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right of way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
156. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 27

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.

- 157. The Developer shall comply with the following water quality related items:
 - a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

- 158. Prior to occupancy, the following improvements shall be completed:
Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) shall be constructed to achieve a half-width of 55', full median, plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 159. Prior to occupancy, the following improvements shall be completed:
Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) shall be constructed to achieve a half-width of 38', plus an additional 18' of pavement, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 160. Prior to occupancy, the following improvements shall be completed:
Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) shall be constructed to achieve a half-width of 20', plus an additional 12' of pavement, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 28

/joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

161. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SAdmin@moval.org.
162. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard and/or Lasselle Street.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 29

obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

163. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
164. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
165. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 30

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

166. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 31

legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

167. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

168. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
169. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 32

170. **Bioretention Basin Maintenance.** The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
171. **Maintenance Period.** The Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
172. **Independent Utilities.** Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are 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 that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
173. **Landscape Inspection Fees.** Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
174. **Landscape Guidelines.** Plans for parkway, median, slope, traffic circle, 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 or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
175. **Maintenance Responsibility.** The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
176. **Damage.** 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.
177. **Landscape Plan Check Fees.** Plan check fees for review of parkway/median, open space, and/or traffic circle 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)

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 33

Transportation Engineering Division

178. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
179. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
- Alessandro Boulevard driveways: Right-in and Right-out.
 - Lasselle Street driveway (44-ft): Full Access.
180. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
181. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
182. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications, transitions, and/or improvements undertaken by this project shall be consistent with the City's standards and CA MUTCD. Improvement include a landscaped, raised median along project frontage. The raised median shall be constructed from Lasselle Street to Chervil Court. Communication conduit along project frontage is required per City Standard Plan No. MVSI-186-0.
183. Lasselle Street is classified as an Arterial (100'RW/76'CC) per City Standard Plan No, MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
184. Timo Street is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
185. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Engineer.
186. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fencing, or monument signing shall not be located in an area that obstructs the drivers' line-of-sight.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 34

187. 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 Alessandro Boulevard, Lasselle Street, and Timo Street. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
188. Prior to final approval of the street improvement plans, a bus bay shall be designed per City Standard plan No. MVSI-161-0 and shall be located on the north side of Alessandro Boulevard, west of Lasselle Street.
189. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for a raised median on Alessandro Boulevard along project frontage. The raised median shall be extend from Lasselle Street to Chervil Court and provide a 260-ft eastbound left-turn storage lane on Alessandro Boulevard at Lasselle Street.
190. Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
191. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards.
192. Prior to issuance of a Certificate of Occupancy, all modification work for the existing traffic signal at the intersection of Alessandro Boulevard /Lasselle Street shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
193. Prior to issuance of a Certificate of Occupancy, the raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
194. Prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Alessandro Boulevard/Lasselle street intersection. Traffic signal modification plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil engineer. Signal modifications may include, but not limited to, signal pole replacement or relocation, new video detector installation, controller cabinet relocation, controller replacement, signing and striping, curb and gutter replacement, pavement widening along the south side of Alessandro, and/or ADA access ramp replacement. Specific modifications shall be determined during plan check process.
195. Prior to final approval of the street improvement plans, the plans shall provide all

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0041)

Page 35

necessary lane reduction transitions for the street improvements on Alessandro Boulevard. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

196. Prior to the final approval of the street improvement plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following geometrics(at a minimum):
- Northbound: Two 200-ft left turn lanes, one through lane, one right turn lane;
 - Southbound: Two 90-ft left turn lane, one through lane, one shared through/right turn lane;
 - Eastbound: One 260-ft left turn lane, one future left turn lane, one through lane, one right turn lane;
 - Westbound: One left turn lane, one future left turn lane, one shared through/right turn lane.

Note that Developer will be responsible for any additional pavement widening needed to provide the geometrics listed above.

197. Prior to the final approval of the signing and striping plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following:
- Extend the westbound shared through/right turn lane to accommodate a minimum of 250 feet of storage.

PARKS & COMMUNITY SERVICES DEPARTMENT

198. This project is subject to current Development Impact Fees.

Exhibit C

Plot Plan (PEN19-0042) Conditions of Approval

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 1

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL
PLOT PLAN (PEN19-0042)

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. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. In the event the uses hereby permitted cease operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. Applicable to the Condition Use Permit Applications PEN19-0044; PEN19-0045; PEN20-0203.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 2

prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
8. 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)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. 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

11. Provide a minimum 10-foot setback on Alessandro Blvd. The 10-foot setback area must include street trees and be landscaped per the City Landscape Standards.
12. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application,

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 3

Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
15. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
16. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for 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)
17. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 4

amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.
 - b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
 - c. Maintenance of any and all common facilities.
 - d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.
 - e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.
18. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
 19. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
 20. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
 21. The site has been approved for PEN21-0273 Master Plot Plan for an approximately 8.5 acre Commercial Center (45,680 SF); PEN19-0041 Plot Plan for an express car wash (3,850 SF); PEN19-0042 Plot Plan for Office Building A (4,950 SF); PEN19-0043 Plot Plan for Office Building B (4,950 SF); PEN19-0044 Conditional Use Permit (CUP) an 8-pump fuel station, convenience store (3,825 SF) and quick service restaurant space with drive-thru (1,600 SF); PEN19-0045 CUP for Building A Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0203 CUP Building B Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0204 Plot Plan for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); PEN20-0205 Plot Plan for Bank Building (3,775 SF); and PEN19-0039 Tentative

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 5

Parcel Map No. 38621. A change or modification shall require separate approval.

22. The fuel station and fast-food restaurant uses shall provide one outdoor trash receptacle for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)

23. Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

c. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 6

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
26. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
27. Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
28. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
29. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must 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 immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 7

shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

30. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
31. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
32. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
33. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
34. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 8

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
35. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
36. Prior to issuance of any Building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
37. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
38. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
39. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - e. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 9

Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

40. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
41. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
42. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
43. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
44. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 10

completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

45. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
46. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
47. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
49. 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.
50. Contact the Building Safety Division for permit application submittal requirements.
 - Construction drawings shall be submitted to Building & Safety for permit application and issuance
 - Separate Onsite domestic water and sewer plans drawings shall be submitted to Building & Safety for permit application and issuance
51. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
52. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 11

obtained from the Building Official or City Engineer.

53. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
54. 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.
55. The proposed project will be 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.
56. 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 including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
57. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
58. 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.
59. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

60. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
61. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
62. New Moreno Valley businesses are encouraged to hire local residents.
63. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 12

web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.

64. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

65. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
66. 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)
67. 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)
68. 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)
69. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
70. 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

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 13

specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)

71. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
72. 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.
73. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
74. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
75. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
76. 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 than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
77. 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])
78. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 14

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
79. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 80. 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)
 81. 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)
 82. 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)
 83. 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)
 84. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 85. 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)
 86. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 15

87. 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)
88. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
89. 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**

90. 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.
91. 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 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

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 16

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 to be 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.

92. 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.
93. 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**

94. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 17

Any existing striping shall be removed prior to slurry application and replaced per City standards.

95. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
96. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
97. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.
- Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
98. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
99. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 18

- acquisition. [GC 66462.5]
100. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
 101. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). 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]
 102. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
 103. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
 104. The proposed private storm drain system shall connect to the proposed undersidewalk drain(s) within the public right of way.
 105. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Parcel Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, sewer / water, traffic signal, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to occupancy release);
 106. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 19

construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

107. Resolution of all drainage issues shall be as approved by the City Engineer.
108. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
109. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
110. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
111. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 20

perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

112. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
113. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
114. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
115. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
116. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
117. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
118. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 21

Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of infiltration BMPs. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.

Prior to Grading Permit

119. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
120. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
121. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 22

current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

122. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
123. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
124. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

125. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
126. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
127. Resolution of all drainage issues shall be as approved by the City Engineer.
128. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 23

of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

129. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
130. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
131. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
132. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

133. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
134. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
135. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
136. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
137. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
138. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 24

requirements.

139. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
140. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
141. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
142. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
143. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

144. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 25

cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

145. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

146. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
147. For all subdivision projects, the map shall be recorded. [MC 9.14.190]
148. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
149. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
150. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).
151. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) along the project frontage.
 - (b) The necessary street right of way dedication on the west side of Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) along the project frontage.
 - (c) The necessary street right of way dedication on the south side of Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) along the project frontage.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 26

(d) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Alessandro Boulevard and Lasselle Street.

(e) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

152. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
153. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
154. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
155. For commercial, industrial, residential and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right of way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
156. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 27

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
- b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.
157. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
- b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
- c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
- d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
- e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
- f. Obtain approval and complete installation of the irrigation and landscaping.
158. Prior to occupancy, the following improvements shall be completed:
Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVS1-101A-1) shall be constructed to achieve a half-width of 55', full median, plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
159. Prior to occupancy, the following improvements shall be completed:
Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVS1-104A-1) shall be constructed to achieve a half-width of 38', plus an additional 18' of pavement, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
160. Prior to occupancy, the following improvements shall be completed:
Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVS1-107A-0) shall be constructed to achieve a half-width of 20', plus an additional 12' of pavement, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 28

/joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

161. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SAdmin@moval.org.
162. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard and/or Lasselle Street.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 29

obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

163. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
164. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
165. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 30

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

166. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 31

legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

167. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

168. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
169. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 32

170. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
171. Maintenance Period. The Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
172. Independent Utilities. Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are 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 that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
173. Landscape Inspection Fees. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
174. Landscape Guidelines. Plans for parkway, median, slope, traffic circle, 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 or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
175. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
176. Damage. 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.
177. Landscape Plan Check Fees. Plan check fees for review of parkway/median, open space, and/or traffic circle 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)

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 33

Transportation Engineering Division

178. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
179. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
- Alessandro Boulevard driveways: Right-in and Right-out.
 - Lasselle Street driveway (44-ft): Full Access.
180. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
181. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
182. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications, transitions, and/or improvements undertaken by this project shall be consistent with the City's standards and CA MUTCD. Improvement include a landscaped, raised median along project frontage. The raised median shall be constructed from Lasselle Street to Chervil Court. Communication conduit along project frontage is required per City Standard Plan No. MVSI-186-0.
183. Lasselle Street is classified as an Arterial (100'RW/76'CC) per City Standard Plan No, MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
184. Timo Street is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
185. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Engineer.
186. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fencing, or monument signing shall not be located in an area that obstructs the drivers' line-of-sight.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 34

187. 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 Alessandro Boulevard, Lasselle Street, and Timo Street. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
188. Prior to final approval of the street improvement plans, a bus bay shall be designed per City Standard plan No. MVSI-161-0 and shall be located on the north side of Alessandro Boulevard, west of Lasselle Street.
189. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for a raised median on Alessandro Boulevard along project frontage. The raised median shall be extend from Lasselle Street to Chervil Court and provide a 260-ft eastbound left-turn storage lane on Alessandro Boulevard at Lasselle Street.
190. Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
191. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards.
192. Prior to issuance of a Certificate of Occupancy, all modification work for the existing traffic signal at the intersection of Alessandro Boulevard /Lasselle Street shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
193. Prior to issuance of a Certificate of Occupancy, the raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
194. Prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Alessandro Boulevard/Lasselle street intersection. Traffic signal modification plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil engineer. Signal modifications may include, but not limited to, signal pole replacement or relocation, new video detector installation, controller cabinet relocation, controller replacement, signing and striping, curb and gutter replacement, pavement widening along the south side of Alessandro, and/or ADA access ramp replacement. Specific modifications shall be determined during plan check process.
195. Prior to final approval of the street improvement plans, the plans shall provide all

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0042)

Page 35

necessary lane reduction transitions for the street improvements on Alessandro Boulevard. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

196. Prior to the final approval of the street improvement plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following geometrics(at a minimum):
- Northbound: Two 200-ft left turn lanes, one through lane, one right turn lane;
 - Southbound: Two 90-ft left turn lane, one through lane, one shared through/right turn lane;
 - Eastbound: One 260-ft left turn lane, one future left turn lane, one through lane, one right turn lane;
 - Westbound: One left turn lane, one future left turn lane, one shared through/right turn lane.

Note that Developer will be responsible for any additional pavement widening needed to provide the geometrics listed above.

197. Prior to the final approval of the signing and striping plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following:
- Extend the westbound shared through/right turn lane to accommodate a minimum of 250 feet of storage.

PARKS & COMMUNITY SERVICES DEPARTMENT

198. This project is subject to current Development Impact Fees.

Exhibit D

Plot Plan (PEN19-0043) Conditions of Approval

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 1

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL
PLOT PLAN (PEN19-0043)

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. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. In the event the uses hereby permitted cease operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. Applicable to the Condition Use Permit Applications PEN19-0044; PEN19-0045; PEN20-0203.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 2

prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
8. 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)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. 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

11. Provide a minimum 10-foot setback on Alessandro Blvd. The 10-foot setback area must include street trees and be landscaped per the City Landscape Standards.
12. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application,

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 3

Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
15. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
16. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for 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)
17. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 4

amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.
 - b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
 - c. Maintenance of any and all common facilities.
 - d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.
 - e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.
18. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
 19. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
 20. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
 21. The site has been approved for PEN21-0273 Master Plot Plan for an approximately 8.5 acre Commercial Center (45,680 SF); PEN19-0041 Plot Plan for an express car wash (3,850 SF); PEN19-0042 Plot Plan for Office Building A (4,950 SF); PEN19-0043 Plot Plan for Office Building B (4,950 SF); PEN19-0044 Conditional Use Permit (CUP) an 8-pump fuel station, convenience store (3,825 SF) and quick service restaurant space with drive-thru (1,600 SF); PEN19-0045 CUP for Building A Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0203 CUP Building B Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0204 Plot Plan for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); PEN20-0205 Plot Plan for Bank Building (3,775 SF); and PEN19-0039 Tentative

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 5

Parcel Map No. 38621. A change or modification shall require separate approval.

22. The fuel station and fast-food restaurant uses shall provide one outdoor trash receptacle for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)

23. Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

c. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 6

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
26. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
27. Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
28. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
29. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must 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 immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 7

- shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).
30. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
 31. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
 32. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
 33. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
 34. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 8

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
- 35. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
- 36. Prior to issuance of any Building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
- 37. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
- 38. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
- 39. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
 - a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - e. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 9

Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

40. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
41. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
42. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
43. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
44. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 10

completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

45. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
46. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
47. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
49. 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.
50. Contact the Building Safety Division for permit application submittal requirements.
 - Construction drawings shall be submitted to Building & Safety for permit application and issuance
 - Separate Onsite domestic water and sewer plans drawings shall be submitted to Building & Safety for permit application and issuance
51. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
52. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 11

obtained from the Building Official or City Engineer.

53. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
54. 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.
55. The proposed project will be 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.
56. 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 including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
57. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
58. 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.
59. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

60. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
61. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
62. New Moreno Valley businesses are encouraged to hire local residents.
63. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 12

web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.

64. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

65. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
66. 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)
67. 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)
68. 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)
69. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
70. 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

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 13

specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)

71. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
72. 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.
73. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
74. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
75. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
76. 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 than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
77. 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])
78. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 14

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
79. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 80. 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)
 81. 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)
 82. 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)
 83. 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)
 84. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 85. 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)
 86. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 15

87. 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)
88. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
89. 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**

90. 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.
91. 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 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

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 16

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 to be 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.

92. 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.
93. 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**

94. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 17

Any existing striping shall be removed prior to slurry application and replaced per City standards.

95. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
96. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
97. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.
- Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
98. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
99. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 18

acquisition. [GC 66462.5]

100. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
101. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). 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]
102. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
103. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
104. The proposed private storm drain system shall connect to the proposed undersidewalk drain(s) within the public right of way.
105. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Parcel Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, sewer / water, traffic signal, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to occupancy release);
106. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 19

construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

107. Resolution of all drainage issues shall be as approved by the City Engineer.
108. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
109. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
110. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
111. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 20

perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

112. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
113. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
114. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
115. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
116. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
117. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
118. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 21

Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of infiltration BMPs. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP’s shall be designed in accordance with the RCFC&WCD’s Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP’s as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.

Prior to Grading Permit

119. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
120. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
121. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 22

current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

122. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
123. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
124. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

125. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
126. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
127. Resolution of all drainage issues shall be as approved by the City Engineer.
128. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 23

of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

129. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
130. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
131. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
132. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

133. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
134. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
135. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
136. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
137. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
138. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 24

requirements.

139. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
140. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
141. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
142. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
143. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

144. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 25

cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

145. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

146. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
147. For all subdivision projects, the map shall be recorded. [MC 9.14.190]
148. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
149. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
150. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).
151. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) along the project frontage.
 - (b) The necessary street right of way dedication on the west side of Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) along the project frontage.
 - (c) The necessary street right of way dedication on the south side of Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) along the project frontage.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 26

(d) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Alessandro Boulevard and Lasselle Street.

(e) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

152. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
153. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
154. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
155. For commercial, industrial, residential and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right of way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
156. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 27

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
- b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.
157. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
- b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
- c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
- d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
- e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
- f. Obtain approval and complete installation of the irrigation and landscaping.
158. Prior to occupancy, the following improvements shall be completed:
Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) shall be constructed to achieve a half-width of 55', full median, plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
159. Prior to occupancy, the following improvements shall be completed:
Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) shall be constructed to achieve a half-width of 38', plus an additional 18' of pavement, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
160. Prior to occupancy, the following improvements shall be completed:
Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) shall be constructed to achieve a half-width of 20', plus an additional 12' of pavement, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 28

/joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

161. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
162. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard and/or Lasselle Street.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 29

obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

163. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
164. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
165. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 30

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

166. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 31

legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

167. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

168. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
169. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 32

170. **Bioretention Basin Maintenance.** The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
171. **Maintenance Period.** The Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
172. **Independent Utilities.** Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are 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 that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
173. **Landscape Inspection Fees.** Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
174. **Landscape Guidelines.** Plans for parkway, median, slope, traffic circle, 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 or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
175. **Maintenance Responsibility.** The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
176. **Damage.** 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.
177. **Landscape Plan Check Fees.** Plan check fees for review of parkway/median, open space, and/or traffic circle 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)

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 33

Transportation Engineering Division

178. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
179. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
- Alessandro Boulevard driveways: Right-in and Right-out.
 - Lasselle Street driveway (44-ft): Full Access.
180. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
181. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
182. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications, transitions, and/or improvements undertaken by this project shall be consistent with the City's standards and CA MUTCD. Improvement include a landscaped, raised median along project frontage. The raised median shall be constructed from Lasselle Street to Chervil Court. Communication conduit along project frontage is required per City Standard Plan No. MVSI-186-0.
183. Lasselle Street is classified as an Arterial (100'RW/76'CC) per City Standard Plan No, MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
184. Timo Street is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
185. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Engineer.
186. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fencing, or monument signing shall not be located in an area that obstructs the drivers' line-of-sight.

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 34

187. 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 Alessandro Boulevard, Lasselle Street, and Timo Street. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
188. Prior to final approval of the street improvement plans, a bus bay shall be designed per City Standard plan No. MVS1-161-0 and shall be located on the north side of Alessandro Boulevard, west of Lasselle Street.
189. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for a raised median on Alessandro Boulevard along project frontage. The raised median shall be extend from Lasselle Street to Chervil Court and provide a 260-ft eastbound left-turn storage lane on Alessandro Boulevard at Lasselle Street.
190. Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
191. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards.
192. Prior to issuance of a Certificate of Occupancy, all modification work for the existing traffic signal at the intersection of Alessandro Boulevard /Lasselle Street shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
193. Prior to issuance of a Certificate of Occupancy, the raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
194. Prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Alessandro Boulevard/Lasselle street intersection. Traffic signal modification plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil engineer. Signal modifications may include, but not limited to, signal pole replacement or relocation, new video detector installation, controller cabinet relocation, controller replacement, signing and striping, curb and gutter replacement, pavement widening along the south side of Alessandro, and/or ADA access ramp replacement. Specific modifications shall be determined during plan check process.
195. Prior to final approval of the street improvement plans, the plans shall provide all

CONDITIONS OF APPROVAL

Plot Plan (PEN19-0043)

Page 35

necessary lane reduction transitions for the street improvements on Alessandro Boulevard. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

196. Prior to the final approval of the street improvement plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following geometrics(at a minimum):
- Northbound: Two 200-ft left turn lanes, one through lane, one right turn lane;
 - Southbound: Two 90-ft left turn lane, one through lane, one shared through/right turn lane;
 - Eastbound: One 260-ft left turn lane, one future left turn lane, one through lane, one right turn lane;
 - Westbound: One left turn lane, one future left turn lane, one shared through/right turn lane.

Note that Developer will be responsible for any additional pavement widening needed to provide the geometrics listed above.

197. Prior to the final approval of the signing and striping plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following:
- Extend the westbound shared through/right turn lane to accommodate a minimum of 250 feet of storage.

PARKS & COMMUNITY SERVICES DEPARTMENT

198. This project is subject to current Development Impact Fees.

Exhibit E

Plot Plan (PEN20-0204) Conditions of Approval

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 1

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL
PLOT PLAN (PEN20-0204)

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. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. In the event the uses hereby permitted cease operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. Applicable to the Condition Use Permit Applications PEN19-0044; PEN19-0045; PEN20-0203.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 2

prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
8. 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)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. 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

11. Provide a minimum 10-foot setback on Alessandro Blvd. The 10-foot setback area must include street trees and be landscaped per the City Landscape Standards.
12. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application,

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 3

Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
15. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
16. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for 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)
17. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 4

amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.
 - b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
 - c. Maintenance of any and all common facilities.
 - d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.
 - e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.
18. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
 19. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
 20. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
 21. The site has been approved for PEN21-0273 Master Plot Plan for an approximately 8.5 acre Commercial Center (45,680 SF); PEN19-0041 Plot Plan for an express car wash (3,850 SF); PEN19-0042 Plot Plan for Office Building A (4,950 SF); PEN19-0043 Plot Plan for Office Building B (4,950 SF); PEN19-0044 Conditional Use Permit (CUP) an 8-pump fuel station, convenience store (3,825 SF) and quick service restaurant space with drive-thru (1,600 SF); PEN19-0045 CUP for Building A Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0203 CUP Building B Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0204 Plot Plan for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); PEN20-0205 Plot Plan for Bank Building (3,775 SF); and PEN19-0039 Tentative

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 5

Parcel Map No. 38621. A change or modification shall require separate approval.

22. The fuel station and fast-food restaurant uses shall provide one outdoor trash receptacle for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)

23. Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

c. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 6

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
26. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
27. Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
28. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
29. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must 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 immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 7

shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

30. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
31. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
32. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
33. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
34. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 8

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
35. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
36. Prior to issuance of any Building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
37. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
38. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
39. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - e. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 9

Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

40. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
41. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
42. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
43. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
44. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 10

completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

45. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
46. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
47. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
49. 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.
50. Contact the Building Safety Division for permit application submittal requirements.
 - Construction drawings shall be submitted to Building & Safety for permit application and issuance
 - Separate Onsite domestic water and sewer plans drawings shall be submitted to Building & Safety for permit application and issuance
51. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
52. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 11

obtained from the Building Official or City Engineer.

53. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
54. 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.
55. The proposed project will be 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.
56. 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 including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
57. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
58. 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.
59. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

60. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
61. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
62. New Moreno Valley businesses are encouraged to hire local residents.
63. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 12

web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.

64. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

65. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
66. 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)
67. 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)
68. 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)
69. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
70. 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

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 13

specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)

71. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
72. 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.
73. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
74. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
75. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
76. 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 than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
77. 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])
78. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 14

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
79. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 80. 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)
 81. 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)
 82. 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)
 83. 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)
 84. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 85. 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)
 86. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 15

87. 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)
88. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
89. 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**

90. 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.
91. 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 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

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 16

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 to be 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.

92. 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.
93. 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**

94. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 17

Any existing striping shall be removed prior to slurry application and replaced per City standards.

95. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
96. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
97. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.
- Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
98. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
99. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 18

acquisition. [GC 66462.5]

100. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
101. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). 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]
102. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
103. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
104. The proposed private storm drain system shall connect to the proposed undersidewalk drain(s) within the public right of way.
105. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Parcel Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, sewer / water, traffic signal, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to occupancy release);
106. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 19

construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

107. Resolution of all drainage issues shall be as approved by the City Engineer.
108. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
109. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
110. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
111. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 20

perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

112. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
113. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
114. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
115. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
116. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
117. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
118. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 21

Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of infiltration BMPs. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP’s shall be designed in accordance with the RCFC&WCD’s Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP’s as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.

Prior to Grading Permit

119. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
120. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
121. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 22

current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

122. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
123. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
124. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

125. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
126. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
127. Resolution of all drainage issues shall be as approved by the City Engineer.
128. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 23

of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

129. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
130. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
131. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
132. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

133. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
134. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
135. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
136. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
137. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
138. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 24

requirements.

139. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
140. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
141. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
142. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
143. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

144. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 25

cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

145. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

146. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
147. For all subdivision projects, the map shall be recorded. [MC 9.14.190]
148. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
149. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
150. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).
151. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) along the project frontage.
 - (b) The necessary street right of way dedication on the west side of Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) along the project frontage.
 - (c) The necessary street right of way dedication on the south side of Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) along the project frontage.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 26

(d) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Alessandro Boulevard and Lasselle Street.

(e) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

152. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
153. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
154. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
155. For commercial, industrial, residential and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right of way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
156. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 27

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.

- 157. The Developer shall comply with the following water quality related items:
 - a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

- 158. Prior to occupancy, the following improvements shall be completed:
Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVS1-101A-1) shall be constructed to achieve a half-width of 55', full median, plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 159. Prior to occupancy, the following improvements shall be completed:
Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVS1-104A-1) shall be constructed to achieve a half-width of 38', plus an additional 18' of pavement, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 160. Prior to occupancy, the following improvements shall be completed:
Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVS1-107A-0) shall be constructed to achieve a half-width of 20', plus an additional 12' of pavement, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 28

/joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

161. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
162. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard and/or Lasselle Street.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 29

obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

163. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
164. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
165. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 30

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

166. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 31

legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

167. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

168. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
169. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 32

170. **Bioretention Basin Maintenance.** The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
171. **Maintenance Period.** The Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
172. **Independent Utilities.** Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are 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 that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
173. **Landscape Inspection Fees.** Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
174. **Landscape Guidelines.** Plans for parkway, median, slope, traffic circle, 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 or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
175. **Maintenance Responsibility.** The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
176. **Damage.** 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.
177. **Landscape Plan Check Fees.** Plan check fees for review of parkway/median, open space, and/or traffic circle 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)

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 33

Transportation Engineering Division

178. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
179. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
- Alessandro Boulevard driveways: Right-in and Right-out.
 - Lasselle Street driveway (44-ft): Full Access.
180. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
181. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
182. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications, transitions, and/or improvements undertaken by this project shall be consistent with the City's standards and CA MUTCD. Improvement include a landscaped, raised median along project frontage. The raised median shall be constructed from Lasselle Street to Chervil Court. Communication conduit along project frontage is required per City Standard Plan No. MVSI-186-0.
183. Lasselle Street is classified as an Arterial (100'RW/76'CC) per City Standard Plan No, MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
184. Timo Street is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
185. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Engineer.
186. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fencing, or monument signing shall not be located in an area that obstructs the drivers' line-of-sight.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 34

187. 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 Alessandro Boulevard, Lasselle Street, and Timo Street. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
188. Prior to final approval of the street improvement plans, a bus bay shall be designed per City Standard plan No. MVSI-161-0 and shall be located on the north side of Alessandro Boulevard, west of Lasselle Street.
189. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for a raised median on Alessandro Boulevard along project frontage. The raised median shall be extend from Lasselle Street to Chervil Court and provide a 260-ft eastbound left-turn storage lane on Alessandro Boulevard at Lasselle Street.
190. Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
191. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards.
192. Prior to issuance of a Certificate of Occupancy, all modification work for the existing traffic signal at the intersection of Alessandro Boulevard /Lasselle Street shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
193. Prior to issuance of a Certificate of Occupancy, the raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
194. Prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Alessandro Boulevard/Lasselle street intersection. Traffic signal modification plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil engineer. Signal modifications may include, but not limited to, signal pole replacement or relocation, new video detector installation, controller cabinet relocation, controller replacement, signing and striping, curb and gutter replacement, pavement widening along the south side of Alessandro, and/or ADA access ramp replacement. Specific modifications shall be determined during plan check process.
195. Prior to final approval of the street improvement plans, the plans shall provide all

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0204)

Page 35

necessary lane reduction transitions for the street improvements on Alessandro Boulevard. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

196. Prior to the final approval of the street improvement plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following geometrics(at a minimum):
- Northbound: Two 200-ft left turn lanes, one through lane, one right turn lane;
 - Southbound: Two 90-ft left turn lane, one through lane, one shared through/right turn lane;
 - Eastbound: One 260-ft left turn lane, one future left turn lane, one through lane, one right turn lane;
 - Westbound: One left turn lane, one future left turn lane, one shared through/right turn lane.

Note that Developer will be responsible for any additional pavement widening needed to provide the geometrics listed above.

197. Prior to the final approval of the signing and striping plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following:
- Extend the westbound shared through/right turn lane to accommodate a minimum of 250 feet of storage.

PARKS & COMMUNITY SERVICES DEPARTMENT

198. This project is subject to current Development Impact Fees.

Exhibit F

Plot Plan (PEN20-0205) Conditions of Approval

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 1

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL
PLOT PLAN (PEN20-0205)

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. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. In the event the uses hereby permitted cease operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. Applicable to the Condition Use Permit Applications PEN19-0044; PEN19-0045; PEN20-0203.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 2

prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
8. 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)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. 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

11. Provide a minimum 10-foot setback on Alessandro Blvd. The 10-foot setback area must include street trees and be landscaped per the City Landscape Standards.
12. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application,

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 3

Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
15. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
16. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for 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)
17. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 4

amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.
 - b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
 - c. Maintenance of any and all common facilities.
 - d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.
 - e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.
18. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
 19. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
 20. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
 21. The site has been approved for PEN21-0273 Master Plot Plan for an approximately 8.5 acre Commercial Center (45,680 SF); PEN19-0041 Plot Plan for an express car wash (3,850 SF); PEN19-0042 Plot Plan for Office Building A (4,950 SF); PEN19-0043 Plot Plan for Office Building B (4,950 SF); PEN19-0044 Conditional Use Permit (CUP) an 8-pump fuel station, convenience store (3,825 SF) and quick service restaurant space with drive-thru (1,600 SF); PEN19-0045 CUP for Building A Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0203 CUP Building B Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0204 Plot Plan for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); PEN20-0205 Plot Plan for Bank Building (3,775 SF); and PEN19-0039 Tentative

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 5

Parcel Map No. 38621. A change or modification shall require separate approval.

22. The fuel station and fast-food restaurant uses shall provide one outdoor trash receptacle for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
23. Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].
- a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.
- b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
- c. he Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98
- d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 6

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
26. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
27. Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
28. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
29. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must 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 immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 7

- shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).
30. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
 31. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
 32. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
 33. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
 34. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 8

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
- 35. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
- 36. Prior to issuance of any Building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
- 37. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
- 38. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
- 39. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
 - a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - e. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 9

Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

40. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
41. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
42. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
43. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
44. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 10

completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

45. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
46. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
47. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
49. 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.
50. Contact the Building Safety Division for permit application submittal requirements.
 - Construction drawings shall be submitted to Building & Safety for permit application and issuance
 - Separate Onsite domestic water and sewer plans drawings shall be submitted to Building & Safety for permit application and issuance
51. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
52. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 11

obtained from the Building Official or City Engineer.

53. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
54. 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.
55. The proposed project will be 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.
56. 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 including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
57. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
58. 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.
59. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

60. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
61. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
62. New Moreno Valley businesses are encouraged to hire local residents.
63. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 12

web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.

64. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

65. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
66. 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)
67. 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)
68. 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)
69. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
70. 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

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 13

specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)

71. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
72. 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.
73. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
74. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
75. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
76. 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 than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
77. 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])
78. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 14

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
79. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 80. 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)
 81. 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)
 82. 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)
 83. 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)
 84. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 85. 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)
 86. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 15

87. 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)
88. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
89. 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**

90. 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.
91. 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 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

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 16

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 to be 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.

92. 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.
93. 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**

94. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 17

Any existing striping shall be removed prior to slurry application and replaced per City standards.

95. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
96. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
97. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.
- Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
98. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
99. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 18

acquisition. [GC 66462.5]

100. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
101. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). 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]
102. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
103. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
104. The proposed private storm drain system shall connect to the proposed undersidewalk drain(s) within the public right of way.
105. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Parcel Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, sewer / water, traffic signal, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to occupancy release);
106. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 19

construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

107. Resolution of all drainage issues shall be as approved by the City Engineer.
108. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
109. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
110. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
111. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 20

perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

112. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
113. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
114. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
115. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
116. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
117. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
118. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 21

Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of infiltration BMPs. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.

Prior to Grading Permit

119. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
120. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
121. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 22

current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

122. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
123. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
124. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

125. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
126. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
127. Resolution of all drainage issues shall be as approved by the City Engineer.
128. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 23

of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

129. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
130. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
131. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
132. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

133. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
134. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
135. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
136. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
137. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
138. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 24

requirements.

139. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
140. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
141. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
142. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
143. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

144. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 25

cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

145. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

146. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
147. For all subdivision projects, the map shall be recorded. [MC 9.14.190]
148. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
149. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
150. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).
151. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) along the project frontage.
 - (b) The necessary street right of way dedication on the west side of Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) along the project frontage.
 - (c) The necessary street right of way dedication on the south side of Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) along the project frontage.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 26

(d) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Alessandro Boulevard and Lasselle Street.

(e) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

152. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
153. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
154. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
155. For commercial, industrial, residential and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right of way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
156. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 27

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
- b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.
157. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
- b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
- c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
- d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
- e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
- f. Obtain approval and complete installation of the irrigation and landscaping.
158. Prior to occupancy, the following improvements shall be completed:
Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) shall be constructed to achieve a half-width of 55', full median, plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
159. Prior to occupancy, the following improvements shall be completed:
Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) shall be constructed to achieve a half-width of 38', plus an additional 18' of pavement, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.
160. Prior to occupancy, the following improvements shall be completed:
Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) shall be constructed to achieve a half-width of 20', plus an additional 12' of pavement, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 28

/joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

161. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
162. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard and/or Lasselle Street.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 29

obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

163. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
164. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
165. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 30

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

166. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 31

legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

167. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

168. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
169. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 32

170. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
171. Maintenance Period. The Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
172. Independent Utilities. Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are 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 that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
173. Landscape Inspection Fees. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
174. Landscape Guidelines. Plans for parkway, median, slope, traffic circle, 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 or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
175. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
176. Damage. 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.
177. Landscape Plan Check Fees. Plan check fees for review of parkway/median, open space, and/or traffic circle 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)

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 33

Transportation Engineering Division

178. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
179. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
- Alessandro Boulevard driveways: Right-in and Right-out.
 - Lasselle Street driveway (44-ft): Full Access.
180. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
181. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
182. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications, transitions, and/or improvements undertaken by this project shall be consistent with the City's standards and CA MUTCD. Improvement include a landscaped, raised median along project frontage. The raised median shall be constructed from Lasselle Street to Chervil Court. Communication conduit along project frontage is required per City Standard Plan No. MVSI-186-0.
183. Lasselle Street is classified as an Arterial (100'RW/76'CC) per City Standard Plan No, MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
184. Timo Street is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
185. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Engineer.
186. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fencing, or monument signing shall not be located in an area that obstructs the drivers' line-of-sight.

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 34

187. 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 Alessandro Boulevard, Lasselle Street, and Timo Street. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
188. Prior to final approval of the street improvement plans, a bus bay shall be designed per City Standard plan No. MVSI-161-0 and shall be located on the north side of Alessandro Boulevard, west of Lasselle Street.
189. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for a raised median on Alessandro Boulevard along project frontage. The raised median shall be extend from Lasselle Street to Chervil Court and provide a 260-ft eastbound left-turn storage lane on Alessandro Boulevard at Lasselle Street.
190. Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
191. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards.
192. Prior to issuance of a Certificate of Occupancy, all modification work for the existing traffic signal at the intersection of Alessandro Boulevard /Lasselle Street shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
193. Prior to issuance of a Certificate of Occupancy, the raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
194. Prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Alessandro Boulevard/Lasselle street intersection. Traffic signal modification plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil engineer. Signal modifications may include, but not limited to, signal pole replacement or relocation, new video detector installation, controller cabinet relocation, controller replacement, signing and striping, curb and gutter replacement, pavement widening along the south side of Alessandro, and/or ADA access ramp replacement. Specific modifications shall be determined during plan check process.
195. Prior to final approval of the street improvement plans, the plans shall provide all

CONDITIONS OF APPROVAL

Plot Plan (PEN20-0205)

Page 35

necessary lane reduction transitions for the street improvements on Alessandro Boulevard. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

196. Prior to the final approval of the street improvement plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following geometrics(at a minimum):
- Northbound: Two 200-ft left turn lanes, one through lane, one right turn lane;
 - Southbound: Two 90-ft left turn lane, one through lane, one shared through/right turn lane;
 - Eastbound: One 260-ft left turn lane, one future left turn lane, one through lane, one right turn lane;
 - Westbound: One left turn lane, one future left turn lane, one shared through/right turn lane.

Note that Developer will be responsible for any additional pavement widening needed to provide the geometrics listed above.

197. Prior to the final approval of the signing and striping plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following:
- Extend the westbound shared through/right turn lane to accommodate a minimum of 250 feet of storage.

PARKS & COMMUNITY SERVICES DEPARTMENT

198. This project is subject to current Development Impact Fees.

Exhibit G

Conditional Use Permits (PEN19-0044) Conditions of Approval

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 1

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT (PEN19-0044)

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. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. In the event the uses hereby permitted cease operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. Applicable to the Condition Use Permit Applications PEN19-0044; PEN19-0045; PEN20-0203.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 2

prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
8. 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)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. 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

11. Provide a minimum 10-foot setback on Alessandro Blvd. The 10-foot setback area must include street trees and be landscaped per the City Landscape Standards.
12. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application,

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 3

Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
15. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
16. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for 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)
17. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 4

amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.

b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.

c. Maintenance of any and all common facilities.

d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.

e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.

18. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
19. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
20. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
21. The site has been approved for PEN21-0273 Master Plot Plan for an approximately 8.5 acre Commercial Center (45,680 SF); PEN19-0041 Plot Plan for an express car wash (3,850 SF); PEN19-0042 Plot Plan for Office Building A (4,950 SF); PEN19-0043 Plot Plan for Office Building B (4,950 SF); PEN19-0044 Conditional Use Permit (CUP) an 8-pump fuel station, convenience store (3,825 SF) and quick service restaurant space with drive-thru (1,600 SF); PEN19-0045 CUP for Building A Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0203 CUP Building B Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0204 Plot Plan for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); PEN20-0205 Plot Plan for Bank Building (3,775 SF); and PEN19-0039 Tentative

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 5

Parcel Map No. 38621. A change or modification shall require separate approval.

22. The fuel station and fast-food restaurant uses shall provide one outdoor trash receptacle for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
23. Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].
- a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.
- b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
- c. he Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98
- d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 6

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
26. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
27. Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
28. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
29. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must 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 immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 7

- shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).
30. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
 31. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
 32. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
 33. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
 34. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 8

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
35. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
36. Prior to issuance of any Building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
37. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
38. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
39. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - e. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 9

Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

40. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
41. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
42. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
43. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
44. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 10

completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

45. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
46. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
47. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
49. 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.
50. Contact the Building Safety Division for permit application submittal requirements.
 - Construction drawings shall be submitted to Building & Safety for permit application and issuance
 - Separate Onsite domestic water and sewer plans drawings shall be submitted to Building & Safety for permit application and issuance
51. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
52. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 11

obtained from the Building Official or City Engineer.

53. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
54. 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.
55. The proposed project will be 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.
56. 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 including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
57. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
58. 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.
59. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

60. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
61. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
62. New Moreno Valley businesses are encouraged to hire local residents.
63. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 12

web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.

64. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

65. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
66. 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)
67. 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)
68. 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)
69. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
70. 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

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 13

specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)

71. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
72. 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.
73. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
74. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
75. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
76. 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 than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
77. 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])
78. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 14

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
79. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 80. 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)
 81. 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)
 82. 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)
 83. 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)
 84. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 85. 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)
 86. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 15

87. 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)
88. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
89. 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**

90. 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.
91. 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 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

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 16

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 to be 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.

92. 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.
93. 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**

94. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 17

- Any existing striping shall be removed prior to slurry application and replaced per City standards.
95. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
 96. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
 97. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
 - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.

Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
 98. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
 99. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 18

- acquisition. [GC 66462.5]
100. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
 101. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). 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]
 102. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
 103. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
 104. The proposed private storm drain system shall connect to the proposed undersidewalk drain(s) within the public right of way.
 105. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Parcel Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, sewer / water, traffic signal, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to occupancy release);
 106. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 19

construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

107. Resolution of all drainage issues shall be as approved by the City Engineer.
108. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
109. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
110. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
111. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 20

perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

112. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
113. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
114. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
115. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
116. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
117. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
118. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 21

Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of infiltration BMPs. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP’s shall be designed in accordance with the RCFC&WCD’s Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP’s as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.

Prior to Grading Permit

119. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
120. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
121. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 22

current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

122. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
123. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
124. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

125. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
126. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
127. Resolution of all drainage issues shall be as approved by the City Engineer.
128. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 23

of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

129. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
130. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
131. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
132. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

133. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
134. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
135. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
136. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
137. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
138. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 24

requirements.

139. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
140. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
141. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
142. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
143. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

144. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 25

cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

145. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

146. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
147. For all subdivision projects, the map shall be recorded. [MC 9.14.190]
148. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
149. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
150. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).
151. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) along the project frontage.
 - (b) The necessary street right of way dedication on the west side of Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) along the project frontage.
 - (c) The necessary street right of way dedication on the south side of Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) along the project frontage.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 26

(d) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Alessandro Boulevard and Lasselle Street.

(e) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

152. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
153. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
154. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
155. For commercial, industrial, residential and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right of way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
156. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 27

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.

- 157. The Developer shall comply with the following water quality related items:
 - a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

- 158. Prior to occupancy, the following improvements shall be completed:
Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) shall be constructed to achieve a half-width of 55', full median, plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 159. Prior to occupancy, the following improvements shall be completed:
Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) shall be constructed to achieve a half-width of 38', plus an additional 18' of pavement, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 160. Prior to occupancy, the following improvements shall be completed:
Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) shall be constructed to achieve a half-width of 20', plus an additional 12' of pavement, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 28

/joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

161. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
162. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard and/or Lasselle Street.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 29

obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

163. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
164. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
165. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 30

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

166. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 31

legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

167. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

168. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
169. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 32

170. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
171. Maintenance Period. The Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
172. Independent Utilities. Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are 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 that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
173. Landscape Inspection Fees. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
174. Landscape Guidelines. Plans for parkway, median, slope, traffic circle, 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 or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
175. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
176. Damage. 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.
177. Landscape Plan Check Fees. Plan check fees for review of parkway/median, open space, and/or traffic circle 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)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 33

Transportation Engineering Division

178. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
179. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
- Alessandro Boulevard driveways: Right-in and Right-out.
 - Lasselle Street driveway (44-ft): Full Access.
180. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
181. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
182. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications, transitions, and/or improvements undertaken by this project shall be consistent with the City's standards and CA MUTCD. Improvement include a landscaped, raised median along project frontage. The raised median shall be constructed from Lasselle Street to Chervil Court. Communication conduit along project frontage is required per City Standard Plan No. MVSI-186-0.
183. Lasselle Street is classified as an Arterial (100'RW/76'CC) per City Standard Plan No, MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
184. Timo Street is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
185. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Engineer.
186. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fencing, or monument signing shall not be located in an area that obstructs the drivers' line-of-sight.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 34

187. 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 Alessandro Boulevard, Lasselle Street, and Timo Street. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
188. Prior to final approval of the street improvement plans, a bus bay shall be designed per City Standard plan No. MVSI-161-0 and shall be located on the north side of Alessandro Boulevard, west of Lasselle Street.
189. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for a raised median on Alessandro Boulevard along project frontage. The raised median shall be extend from Lasselle Street to Chervil Court and provide a 260-ft eastbound left-turn storage lane on Alessandro Boulevard at Lasselle Street.
190. Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
191. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards.
192. Prior to issuance of a Certificate of Occupancy, all modification work for the existing traffic signal at the intersection of Alessandro Boulevard /Lasselle Street shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
193. Prior to issuance of a Certificate of Occupancy, the raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
194. Prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Alessandro Boulevard/Lasselle street intersection. Traffic signal modification plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil engineer. Signal modifications may include, but not limited to, signal pole replacement or relocation, new video detector installation, controller cabinet relocation, controller replacement, signing and striping, curb and gutter replacement, pavement widening along the south side of Alessandro, and/or ADA access ramp replacement. Specific modifications shall be determined during plan check process.
195. Prior to final approval of the street improvement plans, the plans shall provide all

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0044)

Page 35

necessary lane reduction transitions for the street improvements on Alessandro Boulevard. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

196. Prior to the final approval of the street improvement plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following geometrics(at a minimum):
- Northbound: Two 200-ft left turn lanes, one through lane, one right turn lane;
 - Southbound: Two 90-ft left turn lane, one through lane, one shared through/right turn lane;
 - Eastbound: One 260-ft left turn lane, one future left turn lane, one through lane, one right turn lane;
 - Westbound: One left turn lane, one future left turn lane, one shared through/right turn lane.

Note that Developer will be responsible for any additional pavement widening needed to provide the geometrics listed above.

197. Prior to the final approval of the signing and striping plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following:
- Extend the westbound shared through/right turn lane to accommodate a minimum of 250 feet of storage.

PARKS & COMMUNITY SERVICES DEPARTMENT

198. This project is subject to current Development Impact Fees.

Exhibit H

Conditional Use Permits (PEN19-0045) Conditions of Approval

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Conditional Use Permit (PEN19-0045)

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. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. In the event the uses hereby permitted cease operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. Applicable to the Condition Use Permit Applications PEN19-0044; PEN19-0045; PEN20-0203.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 2

prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
8. 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)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. 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

11. Provide a minimum 10-foot setback on Alessandro Blvd. The 10-foot setback area must include street trees and be landscaped per the City Landscape Standards.
12. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application,

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 3

Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
15. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
16. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for 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)
17. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 4

amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.
 - b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
 - c. Maintenance of any and all common facilities.
 - d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.
 - e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.
18. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
 19. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
 20. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
 21. The site has been approved for PEN21-0273 Master Plot Plan for an approximately 8.5 acre Commercial Center (45,680 SF); PEN19-0041 Plot Plan for an express car wash (3,850 SF); PEN19-0042 Plot Plan for Office Building A (4,950 SF); PEN19-0043 Plot Plan for Office Building B (4,950 SF); PEN19-0044 Conditional Use Permit (CUP) an 8-pump fuel station, convenience store (3,825 SF) and quick service restaurant space with drive-thru (1,600 SF); PEN19-0045 CUP for Building A Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0203 CUP Building B Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0204 Plot Plan for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); PEN20-0205 Plot Plan for Bank Building (3,775 SF); and PEN19-0039 Tentative

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 5

Parcel Map No. 38621. A change or modification shall require separate approval.

22. The fuel station and fast-food restaurant uses shall provide one outdoor trash receptacle for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
23. Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].
- a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.
- b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
- c. he Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98
- d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 6

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
26. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
27. Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
28. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
29. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must 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 immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 7

- shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).
30. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
 31. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
 32. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
 33. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
 34. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 8

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
35. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
36. Prior to issuance of any Building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
37. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
38. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
39. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - e. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 9

Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

40. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
41. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
42. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
43. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
44. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 10

completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

45. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
46. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
47. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
49. 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.
50. Contact the Building Safety Division for permit application submittal requirements.
 - Construction drawings shall be submitted to Building & Safety for permit application and issuance
 - Separate Onsite domestic water and sewer plans drawings shall be submitted to Building & Safety for permit application and issuance
51. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
52. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 11

obtained from the Building Official or City Engineer.

53. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
54. 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.
55. The proposed project will be 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.
56. 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 including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
57. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
58. 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.
59. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

60. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
61. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
62. New Moreno Valley businesses are encouraged to hire local residents.
63. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 12

web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.

64. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT

Fire Prevention Bureau

65. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
66. 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)
67. 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)
68. 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)
69. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
70. 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

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 13

specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)

71. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
72. 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.
73. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
74. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
75. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
76. 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 than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
77. 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])
78. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 14

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
79. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 80. 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)
 81. 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)
 82. 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)
 83. 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)
 84. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 85. 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)
 86. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 15

87. 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)
88. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
89. 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**

90. 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.
91. 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 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

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 16

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 to be 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.

92. 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.
93. 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**

94. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 17

- Any existing striping shall be removed prior to slurry application and replaced per City standards.
95. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
 96. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
 97. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
 - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.

Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
 98. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
 99. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 18

acquisition. [GC 66462.5]

100. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
101. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). 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]
102. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
103. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
104. The proposed private storm drain system shall connect to the proposed undersidewalk drain(s) within the public right of way.
105. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Parcel Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, sewer / water, traffic signal, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to occupancy release);
106. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 19

construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

107. Resolution of all drainage issues shall be as approved by the City Engineer.
108. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
109. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
110. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
111. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 20

perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

112. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
113. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
114. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
115. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
116. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
117. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
118. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 21

Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of infiltration BMPs. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP’s shall be designed in accordance with the RCFC&WCD’s Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP’s as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.

Prior to Grading Permit

119. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
120. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
121. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 22

current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

122. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
123. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
124. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

125. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
126. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
127. Resolution of all drainage issues shall be as approved by the City Engineer.
128. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 23

of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

129. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
130. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
131. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
132. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

133. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
134. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
135. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
136. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
137. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
138. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 24

requirements.

139. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
140. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
141. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
142. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
143. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

144. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 25

cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

145. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

146. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
147. For all subdivision projects, the map shall be recorded. [MC 9.14.190]
148. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
149. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
150. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).
151. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) along the project frontage.
 - (b) The necessary street right of way dedication on the west side of Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) along the project frontage.
 - (c) The necessary street right of way dedication on the south side of Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) along the project frontage.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 26

(d) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Alessandro Boulevard and Lasselle Street.

(e) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

152. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
153. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
154. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
155. For commercial, industrial, residential and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right of way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
156. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 27

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.

- 157. The Developer shall comply with the following water quality related items:
 - a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

- 158. Prior to occupancy, the following improvements shall be completed:
Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) shall be constructed to achieve a half-width of 55', full median, plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 159. Prior to occupancy, the following improvements shall be completed:
Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) shall be constructed to achieve a half-width of 38', plus an additional 18' of pavement, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 160. Prior to occupancy, the following improvements shall be completed:
Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) shall be constructed to achieve a half-width of 20', plus an additional 12' of pavement, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 28

/joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

161. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
162. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard and/or Lasselle Street.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 29

obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

163. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
164. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
165. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 30

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

166. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 31

legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

167. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

168. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
169. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 32

170. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
171. Maintenance Period. The Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
172. Independent Utilities. Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are 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 that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
173. Landscape Inspection Fees. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
174. Landscape Guidelines. Plans for parkway, median, slope, traffic circle, 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 or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
175. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
176. Damage. 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.
177. Landscape Plan Check Fees. Plan check fees for review of parkway/median, open space, and/or traffic circle 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)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 33

Transportation Engineering Division

178. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
179. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
- Alessandro Boulevard driveways: Right-in and Right-out.
 - Lasselle Street driveway (44-ft): Full Access.
180. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
181. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
182. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications, transitions, and/or improvements undertaken by this project shall be consistent with the City's standards and CA MUTCD. Improvement include a landscaped, raised median along project frontage. The raised median shall be constructed from Lasselle Street to Chervil Court. Communication conduit along project frontage is required per City Standard Plan No. MVSI-186-0.
183. Lasselle Street is classified as an Arterial (100'RW/76'CC) per City Standard Plan No, MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
184. Timo Street is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
185. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Engineer.
186. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fencing, or monument signing shall not be located in an area that obstructs the drivers' line-of-sight.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 34

187. 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 Alessandro Boulevard, Lasselle Street, and Timo Street. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
188. Prior to final approval of the street improvement plans, a bus bay shall be designed per City Standard plan No. MVSI-161-0 and shall be located on the north side of Alessandro Boulevard, west of Lasselle Street.
189. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for a raised median on Alessandro Boulevard along project frontage. The raised median shall be extend from Lasselle Street to Chervil Court and provide a 260-ft eastbound left-turn storage lane on Alessandro Boulevard at Lasselle Street.
190. Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
191. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards.
192. Prior to issuance of a Certificate of Occupancy, all modification work for the existing traffic signal at the intersection of Alessandro Boulevard /Lasselle Street shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
193. Prior to issuance of a Certificate of Occupancy, the raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
194. Prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Alessandro Boulevard/Lasselle street intersection. Traffic signal modification plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil engineer. Signal modifications may include, but not limited to, signal pole replacement or relocation, new video detector installation, controller cabinet relocation, controller replacement, signing and striping, curb and gutter replacement, pavement widening along the south side of Alessandro, and/or ADA access ramp replacement. Specific modifications shall be determined during plan check process.
195. Prior to final approval of the street improvement plans, the plans shall provide all

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN19-0045)

Page 35

necessary lane reduction transitions for the street improvements on Alessandro Boulevard. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

196. Prior to the final approval of the street improvement plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following geometrics(at a minimum):
- Northbound: Two 200-ft left turn lanes, one through lane, one right turn lane;
 - Southbound: Two 90-ft left turn lane, one through lane, one shared through/right turn lane;
 - Eastbound: One 260-ft left turn lane, one future left turn lane, one through lane, one right turn lane;
 - Westbound: One left turn lane, one future left turn lane, one shared through/right turn lane.

Note that Developer will be responsible for any additional pavement widening needed to provide the geometrics listed above.

197. Prior to the final approval of the signing and striping plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following:
- Extend the westbound shared through/right turn lane to accommodate a minimum of 250 feet of storage.

PARKS & COMMUNITY SERVICES DEPARTMENT

198. This project is subject to current Development Impact Fees.

Exhibit I

Conditional Use Permits (PEN20-0203) Conditions of Approval

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 1

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT (PEN20-0203)

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. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. In the event the uses hereby permitted cease operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. Applicable to the Condition Use Permit Applications PEN19-0044; PEN19-0045; PEN20-0203.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 2

prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
8. 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)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. 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

11. Provide a minimum 10-foot setback on Alessandro Blvd. The 10-foot setback area must include street trees and be landscaped per the City Landscape Standards.
12. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application,

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 3

Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
15. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
16. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for 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)
17. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 4

amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.

b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.

c. Maintenance of any and all common facilities.

d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.

e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.

18. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
19. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
20. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
21. The site has been approved for PEN21-0273 Master Plot Plan for an approximately 8.5 acre Commercial Center (45,680 SF); PEN19-0041 Plot Plan for an express car wash (3,850 SF); PEN19-0042 Plot Plan for Office Building A (4,950 SF); PEN19-0043 Plot Plan for Office Building B (4,950 SF); PEN19-0044 Conditional Use Permit (CUP) an 8-pump fuel station, convenience store (3,825 SF) and quick service restaurant space with drive-thru (1,600 SF); PEN19-0045 CUP for Building A Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0203 CUP Building B Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0204 Plot Plan for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); PEN20-0205 Plot Plan for Bank Building (3,775 SF); and PEN19-0039 Tentative

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 5

Parcel Map No. 38621. A change or modification shall require separate approval.

22. The fuel station and fast-food restaurant uses shall provide one outdoor trash receptacle for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)
23. Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].
- a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.
- b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
- c. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98
- d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 6

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
26. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
27. Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
28. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
29. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must 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 immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 7

shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

30. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
31. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
32. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
33. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
34. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 8

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
35. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
36. Prior to issuance of any Building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
37. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
38. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
39. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - e. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 9

Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

40. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
41. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
42. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
43. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
44. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 10

completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

45. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
46. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
47. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
49. 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.
50. Contact the Building Safety Division for permit application submittal requirements.
 - Construction drawings shall be submitted to Building & Safety for permit application and issuance
 - Separate Onsite domestic water and sewer plans drawings shall be submitted to Building & Safety for permit application and issuance
51. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
52. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 11

obtained from the Building Official or City Engineer.

53. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
54. 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.
55. The proposed project will be 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.
56. 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 including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
57. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
58. 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.
59. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

60. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
61. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
62. New Moreno Valley businesses are encouraged to hire local residents.
63. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 12

web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.

64. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

65. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
66. 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)
67. 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)
68. 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)
69. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
70. 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

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 13

specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)

71. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
72. 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.
73. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
74. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
75. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
76. 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 than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
77. 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])
78. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 14

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
79. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 80. 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)
 81. 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)
 82. 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)
 83. 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)
 84. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 85. 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)
 86. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 15

87. 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)
88. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
89. 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**

90. 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.
91. 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 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

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 16

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 to be 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.

92. 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.
93. 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**

94. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 17

Any existing striping shall be removed prior to slurry application and replaced per City standards.

95. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
96. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
97. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
 - (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.

Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
98. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
99. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 18

acquisition. [GC 66462.5]

100. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
101. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). 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]
102. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
103. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
104. The proposed private storm drain system shall connect to the proposed undersidewalk drain(s) within the public right of way.
105. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Parcel Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, sewer / water, traffic signal, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to occupancy release);
106. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 19

construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

107. Resolution of all drainage issues shall be as approved by the City Engineer.
108. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
109. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
110. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
111. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 20

perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

112. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
113. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
114. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
115. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
116. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
117. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
118. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 21

Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of infiltration BMPs. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP’s shall be designed in accordance with the RCFC&WCD’s Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP’s as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.

Prior to Grading Permit

119. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
120. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
121. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 22

current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

122. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
123. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
124. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

125. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
126. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
127. Resolution of all drainage issues shall be as approved by the City Engineer.
128. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 23

of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

129. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
130. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
131. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
132. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

133. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
134. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
135. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
136. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
137. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
138. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 24

requirements.

139. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
140. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
141. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
142. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
143. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

144. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 25

cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

145. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

146. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
147. For all subdivision projects, the map shall be recorded. [MC 9.14.190]
148. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
149. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
150. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).
151. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:
- (a) The necessary street right of way dedication on the north side of Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) along the project frontage.
 - (b) The necessary street right of way dedication on the west side of Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) along the project frontage.
 - (c) The necessary street right of way dedication on the south side of Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) along the project frontage.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 26

(d) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Alessandro Boulevard and Lasselle Street.

(e) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

152. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
153. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
154. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
155. For commercial, industrial, residential and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right of way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
156. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 27

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.

- 157. The Developer shall comply with the following water quality related items:
 - a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

- 158. Prior to occupancy, the following improvements shall be completed:
Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVS1-101A-1) shall be constructed to achieve a half-width of 55', full median, plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 159. Prior to occupancy, the following improvements shall be completed:
Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVS1-104A-1) shall be constructed to achieve a half-width of 38', plus an additional 18' of pavement, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 160. Prior to occupancy, the following improvements shall be completed:
Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVS1-107A-0) shall be constructed to achieve a half-width of 20', plus an additional 12' of pavement, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 28

/joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

161. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SDAdmin@moval.org.
162. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard and/or Lasselle Street.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 29

obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

163. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
164. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
165. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 30

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

166. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 31

legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

167. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

168. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
169. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 32

170. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
171. Maintenance Period. The Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
172. Independent Utilities. Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are 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 that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
173. Landscape Inspection Fees. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
174. Landscape Guidelines. Plans for parkway, median, slope, traffic circle, 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 or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
175. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
176. Damage. 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.
177. Landscape Plan Check Fees. Plan check fees for review of parkway/median, open space, and/or traffic circle 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)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 33

Transportation Engineering Division

178. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
179. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
- Alessandro Boulevard driveways: Right-in and Right-out.
 - Lasselle Street driveway (44-ft): Full Access.
180. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
181. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
182. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications, transitions, and/or improvements undertaken by this project shall be consistent with the City's standards and CA MUTCD. Improvement include a landscaped, raised median along project frontage. The raised median shall be constructed from Lasselle Street to Chervil Court. Communication conduit along project frontage is required per City Standard Plan No. MVSI-186-0.
183. Lasselle Street is classified as an Arterial (100'RW/76'CC) per City Standard Plan No, MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
184. Timo Street is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
185. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Engineer.
186. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fencing, or monument signing shall not be located in an area that obstructs the drivers' line-of-sight.

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 34

187. 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 Alessandro Boulevard, Lasselle Street, and Timo Street. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
188. Prior to final approval of the street improvement plans, a bus bay shall be designed per City Standard plan No. MVSI-161-0 and shall be located on the north side of Alessandro Boulevard, west of Lasselle Street.
189. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for a raised median on Alessandro Boulevard along project frontage. The raised median shall be extend from Lasselle Street to Chervil Court and provide a 260-ft eastbound left-turn storage lane on Alessandro Boulevard at Lasselle Street.
190. Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
191. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards.
192. Prior to issuance of a Certificate of Occupancy, all modification work for the existing traffic signal at the intersection of Alessandro Boulevard /Lasselle Street shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
193. Prior to issuance of a Certificate of Occupancy, the raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
194. Prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Alessandro Boulevard/Lasselle street intersection. Traffic signal modification plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil engineer. Signal modifications may include, but not limited to, signal pole replacement or relocation, new video detector installation, controller cabinet relocation, controller replacement, signing and striping, curb and gutter replacement, pavement widening along the south side of Alessandro, and/or ADA access ramp replacement. Specific modifications shall be determined during plan check process.
195. Prior to final approval of the street improvement plans, the plans shall provide all

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0203)

Page 35

necessary lane reduction transitions for the street improvements on Alessandro Boulevard. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

196. Prior to the final approval of the street improvement plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following geometrics(at a minimum):
- Northbound: Two 200-ft left turn lanes, one through lane, one right turn lane;
 - Southbound: Two 90-ft left turn lane, one through lane, one shared through/right turn lane;
 - Eastbound: One 260-ft left turn lane, one future left turn lane, one through lane, one right turn lane;
 - Westbound: One left turn lane, one future left turn lane, one shared through/right turn lane.

Note that Developer will be responsible for any additional pavement widening needed to provide the geometrics listed above.

197. Prior to the final approval of the signing and striping plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following:
- Extend the westbound shared through/right turn lane to accommodate a minimum of 250 feet of storage.

PARKS & COMMUNITY SERVICES DEPARTMENT

198. This project is subject to current Development Impact Fees.

RESOLUTION NUMBER 2023-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 38621 (PEN19-0039) FOR THE NORTHWEST COMMERCIAL CENTER LOCATED ON THE NORTHWEST CORNER OF ALESSANDRO BOULEVARD AND LASSELLE STREET, (APN: 479-631-010)

WHEREAS, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California, and has the authority to approve Tract Maps pursuant the Subdivision Map Act as set forth in Government Code sections 66410 et seq. and Chapter 914 (Land Divisions) of Title 9 (Planning & Zoning) of the Moreno Valley Municipal Code; and

WHEREAS, Northwest Moreno Properties, LLC (“Applicant”) has submitted applications for a Tentative Tract Map No. 38621 (PEN19-0039) to subdivide one (1) existing parcel into eight (8) parcels for the Northwest Commercial Center Development on approximately 8.5 acres with associated public improvements (“Proposed Project”) located at the northwest corner of Alessandro Boulevard and Lasselle Street (APN: 479-631-010) (“Project Site”); and

WHEREAS, the Proposed Project has been evaluated in accordance with Chapter 9.14 (Land Divisions) of Title 9 (Planning & Zoning) of the Municipal Code with consideration given to the City’s General Plan, Zoning Ordinance, and other applicable laws and regulations; and

WHEREAS, Chapter 9.14 (Land Division) of the Moreno Valley Municipal Code imposes conditions of approval upon projects for which a Tentative Tract Map is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the Project Site is used, and any other conditions as may be deemed necessary to protect the public health, safety, and welfare and 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, consistent with the requirements of Chapter 9.14 (Land Divisions) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Tentative Tract Map No. 38621 (PEN19-0039), 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 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 June 22, 2023, and notice thereof was duly published, posted, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on June 22, 2023, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

WHEREAS, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.14.070 of the Municipal Code and set forth herein could be made concerning the Proposed Project as conditioned by Conditions of Approval; and

WHEREAS, on June 22, 2023, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines², the Planning Commission approved Resolution 2023-27, determined that the MND and the MMRP prepared for the Proposed Project has reduced the potential impact of the Proposed Project to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will significantly affect the environment in a manner that otherwise would require the preparation and certification of an Environmental Impact Report.

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, in the staff report and conditions of approval (collectively, "Conditions"); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Section 3. Evidence

That the Planning Commission has considered all evidence submitted into the Administrative Record for the Proposed 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;

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

- (c) Application for Tentative Tract Map No. 38621 (PEN19-0039) including Resolution No. 2023-29, and all documents, records, and references contained therein;
- (d) Conditions of Approval for Tentative Tract Map No. 38621 (PEN19-0039), attached 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 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, Planning Commission hereby approves the Proposed Project subject to the following findings:

- (a) The Proposed land division is consistent with applicable General and Specific Plans;
- (b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- (c) That the Project Site is physically suitable for the type of development;
- (d) That the Project Site of the proposed land division is physically suitable for the proposed density of the development;
- (e) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- (f) That the design of the subdivision or type of improvements is not likely to cause serious public health problems;
- (g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision;
- (h) That the requirements of CEQA have been satisfied;
- (i) That the proposed land division is not subject to the Williamson Act pursuant to the California Land Conservation Act of 1965;
- (j) That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city;
- (k) That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision; and
- (l) That the effect of the Proposed Project on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

Section 5. Approval

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby approves the Proposed Project subject to the Conditions of Approval for Tentative Tract Map No. 38621 (PEN19-0039) (Proposed Project), attached hereto and 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.

[Remainder of Page Intentionally Left Blank]

PASSED AND ADOPTED THIS 22nd day of June, 2023.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Alvin DeJohnette, Chairperson

ATTEST:

Sean P. Kelleher,
Acting Community Development Director

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Exhibits:

Exhibit A: Tentative Tract Map No. 38621 (PEN19-0039) Conditions of Approval

Attachment: Resolution No. 2023-29 Tentative Tract Map 38621 [Revision 8] (6279 : PEN21-0273 Master Plot Plan)

Exhibit A

Tentative Tract Map 38621 (PEN19-0039) Conditions of Approval

Attachment: Resolution No. 2023-29 Tentative Tract Map 38621 [Revision 8] (6279 : PEN21-0273 Master Plot Plan)

CONDITIONS OF APPROVAL

Tentative Tract Map
(PEN19-0039)
Page 1

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Tentative Tract Map
(PEN19-0039)

EFFECTIVE DATE:
EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning 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. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
3. 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)
4. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
5. In the event the uses hereby permitted cease operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. Applicable to the Condition Use Permit Applications PEN19-0044; PEN19-0045; PEN20-0203.
6. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 2

prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
8. 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)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. 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

11. Provide a minimum 10-foot setback on Alessandro Blvd. The 10-foot setback area must include street trees and be landscaped per the City Landscape Standards.
12. In accordance with the Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application,

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 3

Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

13. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
14. Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be submitted to and approved by the Planning Division, and Public Works Department - Special Districts Division for review and approval by each division. (GP - Circulation Master Plan)
15. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
16. Prior to final map recordation, or building permit issuance, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to a separate Phasing Plan submittal for 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)
17. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
 - a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 4

amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.
 - b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
 - c. Maintenance of any and all common facilities.
 - d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.
 - e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.
18. All undeveloped portions of the site in perpetuity shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
 19. The shopping center parking lot lighting shall be maintained in good repair and shall comply with the Municipal Code lighting standards.
 20. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
 21. The site has been approved for PEN21-0273 Master Plot Plan for an approximately 8.5 acre Commercial Center (45,680 SF); PEN19-0041 Plot Plan for an express car wash (3,850 SF); PEN19-0042 Plot Plan for Office Building A (4,950 SF); PEN19-0043 Plot Plan for Office Building B (4,950 SF); PEN19-0044 Conditional Use Permit (CUP) an 8-pump fuel station, convenience store (3,825 SF) and quick service restaurant space with drive-thru (1,600 SF); PEN19-0045 CUP for Building A Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0203 CUP Building B Retail (1,600 SF)/Fast Food with Drive-thru (3,320 SF); PEN20-0204 Plot Plan for the Sit Down Restaurant (5,500 SF) with outdoor patio (1,750 SF); PEN20-0205 Plot Plan for Bank Building (3,775 SF); and PEN19-0039 Tentative

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 5

Parcel Map No. 38621. A change or modification shall require separate approval.

22. The fuel station and fast-food restaurant uses shall provide one outdoor trash receptacle for every ten (10) required parking spaces, with a minimum of one receptacle provided to be located front portion of the site for use by patrons. (MC 9.09.080 C 5.)

23. Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

c. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

d. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 6

Prior to Grading Permit

24. Prior to issuance of any grading permit, all Conditions of Approval and Mitigation Measures shall be printed on the grading plans.
25. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
26. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
27. Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)
28. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
29. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must 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 immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 7

- shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).
30. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
 31. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
 32. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project.
 33. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
 34. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 8

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
35. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
36. Prior to issuance of any Building permit, all Conditions of Approval and Mitigation Measures shall be printed on the building plans.
37. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
38. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall plan or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
39. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
- a. A three (3) foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
 - c. Diamond planters shall be provided every 3 parking stalls.
 - d. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
 - e. Street trees shall be provided every 40 feet on center in the right of way.
 - f. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way.

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 9

Trees may be massed for pleasing aesthetic effects.

g. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.

h. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

40. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
41. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
42. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
43. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
44. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and approval through the building plan check process. All equipment shall be

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 10

completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Prior to Building Final or Occupancy

45. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
46. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
47. Prior to building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

48. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
49. 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.
50. Contact the Building Safety Division for permit application submittal requirements.
 - Construction drawings shall be submitted to Building & Safety for permit application and issuance
 - Separate Onsite domestic water and sewer plans drawings shall be submitted to Building & Safety for permit application and issuance
51. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
52. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 11

obtained from the Building Official or City Engineer.

53. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
54. 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.
55. The proposed project will be 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.
56. 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 including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
57. The proposed non-residential project shall comply with California Green Building Standards Code, Section 5.106.5.3, mandatory requirements for Electric Vehicle Charging Station (EVCS).
58. 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.
59. 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)

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

60. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
61. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
62. New Moreno Valley businesses are encouraged to hire local residents.
63. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 12

web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.

64. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center (“BERC”).

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

FIRE DEPARTMENT**Fire Prevention Bureau**

65. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
66. 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)
67. 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)
68. 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)
69. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
70. 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

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 13

specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)

71. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
72. 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.
73. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
74. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
75. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
76. 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 than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
77. 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])
78. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 14

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
79. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
 80. 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)
 81. 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)
 82. 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)
 83. 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)
 84. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
 85. 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)
 86. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 15

87. 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)
88. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
89. 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**

90. 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.
91. 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 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

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 16

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 to be 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.

92. 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.
93. 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**

94. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume.

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 17

Any existing striping shall be removed prior to slurry application and replaced per City standards.

95. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
96. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
97. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
 - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.
- Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
98. Drainage facilities (e.g., catch basins, water quality basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
99. In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. If unsuccessful, the Developer shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 18

acquisition. [GC 66462.5]

100. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]
101. The developer shall protect downstream properties from damage caused by alteration of drainage patterns (i.e. concentration or diversion of flow, etc). 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]
102. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
103. The maintenance responsibility of the proposed storm drain line shall be clearly identified. Storm drain lines within private property will be privately maintained and those within public streets will be publicly maintained.
104. The proposed private storm drain system shall connect to the proposed undersidewalk drain(s) within the public right of way.
105. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
 - a. Final Parcel Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public Improvement plan (e.g., street / storm drain with striping, sewer / water, traffic signal, etc.) (prior to encroachment permit issuance);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. Easements, dedications, vacations, etc. (prior to building permit issuance);
 - h. As-Built revision for all plans (prior to occupancy release);
106. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 19

construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed. If residential, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

107. Resolution of all drainage issues shall be as approved by the City Engineer.
108. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
109. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
110. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
111. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 20

perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

112. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
113. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
114. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
115. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
116. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
117. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.
118. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 21

Ana Region of Riverside County” dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of infiltration BMPs. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP’s shall be designed in accordance with the RCFC&WCD’s Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP’s as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.

Prior to Grading Permit

119. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
120. If the developer chooses to construct the project in phases, a Construction Phasing Plan for the construction of on-site public or private improvements shall be submitted for review and approved by the City Engineer.
121. Prior to the payment of the Development Impact Fee (DIF), the developer may enter into a DIF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement prior to the timing specified above, credits may not be given. The developer shall pay

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 22

current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]

122. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
123. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]
124. Prior to the payment of the Transportation Uniform Mitigation Fee (TUMF), the developer may enter into a TUMF Improvement Credit Agreement to secure credit for the construction of applicable improvements. If the developer fails to complete this agreement by the timing specified above, credits may not be given. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

Prior to Map Approval

125. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
126. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
127. Resolution of all drainage issues shall be as approved by the City Engineer.
128. If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all public improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. In either case, the City Engineer may require the dedication and construction of necessary utility, street or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California Bureau

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 23

of Real Estate. [MC 9.14.080(B)(C), GC 66412 & 66462.5]

129. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
130. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
131. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
132. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

133. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
134. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
135. The design plan and profile shall be based upon a centerline, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer.
136. Drainage facilities (i.e. catch basins, etc.) with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided.
137. The hydrology study shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of current City standards shall apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the City Engineer. [MC 9.14.110 A.2]
138. All public improvement plans (prepared by a licensed/registered civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 24

requirements.

139. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
140. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
141. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
142. Prior to improvement plan approval, pavement core samples of existing pavement shall be taken and findings submitted to the City for review and consideration of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a 2 inch grind and overlay or slurry seal, depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
143. The developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, all access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless otherwise approved by the City Engineer.

Prior to Encroachment Permit

144. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 25

cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.

145. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

146. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.

147. For all subdivision projects, the map shall be recorded. [MC 9.14.190]

148. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

149. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.

150. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).

151. Prior to building permit issuance, the developer shall dedicate the following right of way to accommodate the required improvements:

(a) The necessary street right of way dedication on the north side of Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVSI-101A-1) along the project frontage.

(b) The necessary street right of way dedication on the west side of Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVSI-104A-1) along the project frontage.

(c) The necessary street right of way dedication on the south side of Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVSI-107A-0) along the project frontage.

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 26

(d) A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Alessandro Boulevard and Lasselle Street.

(e) Corner cutback right of way dedication per City Standard No. MVSI-165-0 on all intersecting public streets, as directed by the City Engineer.

Prior to Occupancy

152. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
153. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
154. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Undergrounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
155. For commercial, industrial, residential and multi-family projects, a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right of way" and a "Declaration of Restrictive Covenants (encroachment on City easement)" shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
156. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 27

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.

- 157. The Developer shall comply with the following water quality related items:
 - a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
 - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
 - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
 - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
 - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
 - f. Obtain approval and complete installation of the irrigation and landscaping.

- 158. Prior to occupancy, the following improvements shall be completed:
Alessandro Boulevard (110' CC / 134' R/W: Divided Major Arterial, City Standard No. MVS1-101A-1) shall be constructed to achieve a half-width of 55', full median, plus an additional 14' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 159. Prior to occupancy, the following improvements shall be completed:
Lasselle Street (76' CC / 100' R/W: Arterial, City Standard No. MVS1-104A-1) shall be constructed to achieve a half-width of 38', plus an additional 18' of pavement, along the entire project's east frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition /joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

- 160. Prior to occupancy, the following improvements shall be completed:
Timo Street (40' CC / 60' R/W: Local Street (Revised), City Standard No. MVS1-107A-0) shall be constructed to achieve a half-width of 20', plus an additional 12' of pavement, along the entire project's north frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 28

/joins to existing, street lights, pedestrian ramps, and dry and wet utilities.

Special Districts Division

161. Street Light Coordination/Advanced Energy Fees. Prior to the issuance of the 1st Building Permit for this project, the Developer shall pay New Street Light Installation Fees for all street lights required to be installed for this development. Payment will be collected by the Land Development Division. Fees are based on the street light administration/coordination and advanced energy fees as set forth in the City Fees, Charges, and Rates as adopted by City Council and effective at the time of payment. Any change in the project which increases the number of street lights to be installed requires payment of the fees at the then current fee. Questions may be directed to the Special Districts Administration at 951.413.3470 or SAdmin@moval.org.
162. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for a) Street Lighting Services for capital improvements, energy charges, and maintenance and/or b) Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Alessandro Boulevard and/or Lasselle Street.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 29

obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

163. Approved Landscape Plans. For those areas to be maintained by the City and prior to the issuance of the 1st Building Permit, Planning, Landscape Services and Transportation Engineering staff, at a minimum, shall review and approve the final median, parkway, slope, traffic circle and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval.
164. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.
165. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 30

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SAdmin@moval.org to satisfy this condition.

166. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 31

legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

167. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, 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 receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

168. Parkway, open space, traffic circle, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
169. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 32

170. Bioretention Basin Maintenance. The ongoing maintenance of any bioretention basin, or other like water quality BMP constructed in the public right of way, shall be the responsibility of a property owner association or the property owner.
171. Maintenance Period. The Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
172. Independent Utilities. Parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are 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 that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
173. Landscape Inspection Fees. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre-construction meeting. (MC 3.32.040)
174. Landscape Guidelines. Plans for parkway, median, slope, traffic circle, 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 or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
175. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
176. Damage. 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.
177. Landscape Plan Check Fees. Plan check fees for review of parkway/median, open space, and/or traffic circle 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)

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 33

Transportation Engineering Division

178. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
179. All project driveways shall be designed and constructed per City of Moreno Valley Standard Plans No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
- Alessandro Boulevard driveways: Right-in and Right-out.
 - Lasselle Street driveway (44-ft): Full Access.
180. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
181. Sight distance at the proposed roadways and driveways shall conform to City of Moreno Valley Standard No. MVSI-164A,B,C-0 at the time of preparation of final grading, landscape, and street improvement plans.
182. Alessandro Boulevard is classified as a 6-Lane Divided Major Arterial (134'RW/110'CC) per City Standard Plan No. MVSI-101A-0. Any modifications, transitions, and/or improvements undertaken by this project shall be consistent with the City's standards and CA MUTCD. Improvement include a landscaped, raised median along project frontage. The raised median shall be constructed from Lasselle Street to Chervil Court. Communication conduit along project frontage is required per City Standard Plan No. MVSI-186-0.
183. Lasselle Street is classified as an Arterial (100'RW/76'CC) per City Standard Plan No, MVSI-104A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
184. Timo Street is classified as a Local Street (56'RW/36'CC) per City Standard Plan No, MVSI-107A-0. Any improvements undertaken by this project shall be consistent with the City's standards.
185. Prior to issuance of an encroachment permit for work within the public right-of-way, construction traffic control plans prepared by a qualified, registered Civil or Traffic Engineer shall be required for plan approval by the City Engineer.
186. Prior to final approval of the landscape plans and construction plans for any type of fencing or monument sign, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A-0 through MVSI-164C-0. Trees, plants, shrubs, fencing, or monument signing shall not be located in an area that obstructs the drivers' line-of-sight.

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 34

187. 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 Alessandro Boulevard, Lasselle Street, and Timo Street. Signing and striping plans shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil or traffic engineer.
188. Prior to final approval of the street improvement plans, a bus bay shall be designed per City Standard plan No. MVSI-161-0 and shall be located on the north side of Alessandro Boulevard, west of Lasselle Street.
189. Prior to the final approval of the street improvement plans, a median improvement plan shall be prepared by a registered civil engineer for a raised median on Alessandro Boulevard along project frontage. The raised median shall be extend from Lasselle Street to Chervil Court and provide a 260-ft eastbound left-turn storage lane on Alessandro Boulevard at Lasselle Street.
190. Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
191. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards.
192. Prior to issuance of a Certificate of Occupancy, all modification work for the existing traffic signal at the intersection of Alessandro Boulevard /Lasselle Street shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
193. Prior to issuance of a Certificate of Occupancy, the raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
194. Prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Alessandro Boulevard/Lasselle street intersection. Traffic signal modification plan shall be prepared per the latest edition of the California Manual on Uniform Traffic Control Devices (CAMUTCD) and current City of Moreno Valley Standard Plans by a qualified registered civil engineer. Signal modifications may include, but not limited to, signal pole replacement or relocation, new video detector installation, controller cabinet relocation, controller replacement, signing and striping, curb and gutter replacement, pavement widening along the south side of Alessandro, and/or ADA access ramp replacement. Specific modifications shall be determined during plan check process.
195. Prior to final approval of the street improvement plans, the plans shall provide all

CONDITIONS OF APPROVAL

Tentative Tract Map

(PEN19-0039)

Page 35

necessary lane reduction transitions for the street improvements on Alessandro Boulevard. The lane transition taper length shall be designed per the latest edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

196. Prior to the final approval of the street improvement plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following geometrics(at a minimum):
- Northbound: Two 200-ft left turn lanes, one through lane, one right turn lane;
 - Southbound: Two 90-ft left turn lane, one through lane, one shared through/right turn lane;
 - Eastbound: One 260-ft left turn lane, one future left turn lane, one through lane, one right turn lane;
 - Westbound: One left turn lane, one future left turn lane, one shared through/right turn lane.

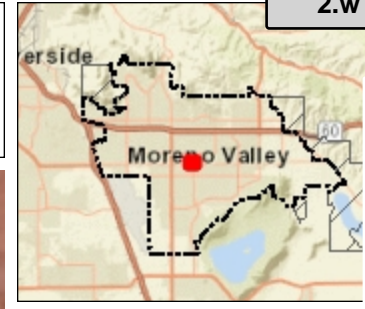
Note that Developer will be responsible for any additional pavement widening needed to provide the geometrics listed above.

197. Prior to the final approval of the signing and striping plans, the intersection of Alessandro Boulevard and Lasselle Street shall be designed to provide the following:
- Extend the westbound shared through/right turn lane to accommodate a minimum of 250 feet of storage.

PARKS & COMMUNITY SERVICES DEPARTMENT

198. This project is subject to current Development Impact Fees.

Zoning Map



Legend

Zoning

- Commercial
- Center Mixed Use
- Downtown Center
- Corridor Mixed Use
- Industrial/Business Park
- Public Facilities
- Highway Office/Commercial
- Office
- Business Flex
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

Master Plan of Trails

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

Road Labels

- Parcels
- Image Source: Nearmap

Notes:

PEN21-0273

631.0 0 315.48 631.0 Feet

From: [Mauricio Alvarez](#)
To: [Gabriel Diaz](#)
Subject: PEN21-0273
Date: Tuesday, May 16, 2023 9:24:53 AM

Warning: External Email – Watch for Email Red Flags!

Good Morning Gabriel,

Thank you for including Riverside Transit Agency in the development review of PEN21-0273, the commercial center proposed on the northwest corner of Alessandro Blvd & Lasselle St. I reviewed the plans online and have no additional recommendations to submit for this particular project. I appreciate that a bus turnout has been incorporated into the plans and that there are safe pedestrian pathways throughout the project to connect to the bus stop, Alessandro Blvd, and Lasselle St.

Thank you,

Mauricio Alvarez, MBA

Planning Analyst
Riverside Transit Agency
p: 951.565.5260 | e: malvarez@riversidetransit.com
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)
1825 Third Street, Riverside, CA 92507



May 8, 2023

Gabriel Diaz, Associate Planner
 City of Moreno Valley
 14177 Frederick Street
 PO Box 88005
 Moreno Valley, CA 92552

Subject: EMWD Comments for the Northwest Commercial Center Project Notice of Intent to Adopt a Mitigated Negative Declaration

Location: Northwest corner of Alessandro Boulevard and Lasselle Street, in the City of Moreno Valley, Riverside County, California.

Dear Mr. Gabriel Diaz:

Eastern Municipal Water District (EMWD) thanks you for the opportunity to comment on the Northwest Commercial Center Project, Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND). The project proposes the development of an approximately 8-acre commercial center. The proposed project includes an 8-pump gas station with a convenience store, an express car wash, and quick service restaurant with drive-through; two fast food restaurants with drive-throughs, a sit down restraint with patio, a bank building with drive-through, two office buildings, and two retail buildings, along with associated parking and landscape improvements.

EMWD offers the following comments:

To define the impact(s) on the environment and on existing EMWD facilities, and as development within this area occurs over time, the proponents of implementing development projects shall consult EMWD's Development Services Department to compare proposed and existing water demands and sewer flows, and prepare a Design Conditions report (DC), formally known as the Plan of Service (POS), to detail all

Board of Directors

Philip E. Paule, *President* Stephen J. Corona, *Vice President* Jeff Armstrong Randy A. Record David J. Slawson

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 www.emwd.org

Attachment: Environmental Comments Letters [Revision 1] (6279 : PEN21-0273 Master Plot Plan)

EMWD Comments

May 18, 2023

Page 2

pertinent facilities necessary to serve such implementing development projects, resulting in an approved DC, prior to final design and plan check of such facilities.

To help define EMWD's Design Conditions, EMWD requires beginning dialogue with project proponents at an early stage in the site design and development, via a one-hour complementary Due Diligence meeting. To set up this meeting the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our web page www.emwd.org, then select the "Developer" link, then select the "New Development Process Forms" link. This meeting will offer the following benefits:

1. Describe EMWD's development process
2. Identify project scope and parameters
3. Provide a preliminary review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service
5. Identify project submittal requirements to start the Design Conditions review

Following the Due Diligence meeting, and to proceed with a project, the Design Conditions will need to be developed by the developer's engineer and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The DC process and approval will provide the following:

1. Technical evaluation of the project's demands and existing system capacities
2. Identification of impacts to existing facilities
3. Identification of additional on-site and off-site facilities, necessary to serve the project
4. Identification of easement requirements, if necessary
5. Identification of potential EMWD's cost participation in facility oversizing, if applicable

If you have questions or concerns, please do not hesitate to contact Maroun El-Hage at (951) 928-3777, extension 4468 or by e-mail at El-hagem@emwd.org.

Sincerely,

Alfred Javier
Director of Environmental and Regulatory Compliance

ARJ: hs

Attachments: Copy of Public Notice