

Mitigation Monitoring and Report Program (MMRP)

Moreno Valley Business Center Project Moreno Valley, California

Lead Agency

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Applicant

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CEQA Consultant

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Lead Agency Discretionary Permits

General Plan Amendment (PEN20-0160)
Change of Zone (PEN20-0161)
Plot Plan (PEN20-0162)

June 2022

Impact	Mitigation Measure (MM)	Responsible Party	Monitoring Party	Implementation Stage	Level of Significance
Biological Resources					
<p>Threshold a & d: There is potential for the Project to impact protected nesting birds and migratory birds.</p>	<p>MM BR-1: Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (January 31 through September 1), unless a migratory bird nesting survey is completed in accordance with the following requirements:</p> <p>a) A nesting bird survey shall be conducted on the Project site and within suitable habitat located within a 250-foot radius of the Project site by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.</p> <p>b) If the survey identifies the presence of active nests, then the nests shall not be disturbed unless the qualified biologist verifies through non-invasive methods that either (i) the adult birds have not begun egg-laying and incubation; or (ii) the juveniles from the occupied nests are capable of independent survival.</p> <p>c) If the biologist is not able to verify any of the conditions from sub-item "b," above, then no disturbance shall occur within a buffer zone specified by the qualified biologist for each nest or nesting site. The buffer zone shall be species-appropriate (no less than 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for</p>	Project Biologist	City of Moreno Valley Planning Division	Within three (3) days prior to initiating vegetation clearing or ground disturbance	Less than significant with mitigation incorporated

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	<p>raptors) and shall be sufficient to protect the nest from direct and indirect impacts from construction activities, The size and location of buffer zones, if required, shall be based on consultation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service and shall be subject to review and approval by the City of Moreno Valley. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with City concurrence verify that the nests are no longer occupied and/or juvenile birds can survive independently from the nests.</p>				
<p>Threshold f: There is a low potential for the burrowing owl to occur on the Project site; however, the Project Applicant is required to ensure compliance with the MSHCP's provisions for protecting the burrowing owl.</p>	<p>MM BR-2: Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the City of Moreno Valley prior to the issuance of a grading permit and subject to the following provisions:</p> <p>a) In the event that the pre-construction survey identifies no</p>	<p>Project Applicant, Project Biologist</p>	<p>City of Moreno Valley Planning Division</p>	<p>Within 30 days prior to grading</p>	<p>Less than significant with mitigation incorporated</p>

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	<p>burrowing owls on the property a grading permit may be issued without restriction.</p> <p>b) In the event that the pre-construction survey identifies the presence of at least one individual but less than three (3) mating pairs of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.</p> <p>c) In the event that the pre-construction survey identifies the presence of three (3) or more mating</p>				

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	<p>pairs of burrowing owl, the requirements of MSCHP Species-Specific Conservation Objectives 5 for the burrowing owl shall be followed. Objective 5 states that if the site (including adjacent areas) supports three (3) or more pairs of burrowing owls and supports greater than 35 acres of suitable habitat, at least 90 percent of the area with long-term conservation value and burrowing owl pairs will be conserved onsite until it is demonstrated that Objectives 1-4 have been met. A grading permit shall be issued, either:</p> <p>i. Upon approval and implementation of a property-specific Determination of Biologically Superior Preservation (DBESP) report for the burrowing owl by the CDFW; or</p> <p>ii. A determination by the biologist that the site is part of an area supporting less than 35 acres of suitable Habitat, and upon passive or active relocation of the species following accepted CDFW protocols. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive</p>				

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	relocation shall follow CDFW relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.				
Cultural Resources					
<p>Threshold a: There is potential for buried historical deposits to be present on the Project site.</p> <p>Threshold b: There is potential for significant archaeological resources to be unearthed during ground-disturbing activities associated with Project construction.</p>	<p>MM CR-1: 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 Pechanga Band of Luiseño Indians and Soboba Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP as defined in Mitigation Measure CR-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</p>	Project Developer; Project Archaeologist	City of Moreno Valley Planning Division	Prior the issuance of a grading permit	Less than significant with mitigation incorporated

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	<p>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>MM CR-2: Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians and Soboba Band of Luiseño Indians for tribal monitoring. The City 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>MM CR-3: The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a CRMP in consultation</p>	<p>Project Developer; Project Construction Contractor; Project Archaeologist</p> <p>Project Archaeologist</p>	<p>City of Moreno Valley Planning Division and Land Development Division</p> <p>City of Moreno Valley Planning Division</p>	<p>Prior the issuance of a grading permit</p> <p>Prior the issuance of a grading permit</p>	

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	<p>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. 				

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	<p>MM CR-4: 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 CR-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</p>	<p>Project Developer; Project Archaeologist</p>	<p>City of Moreno Valley Planning Division</p>	<p>In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries)</p>	

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	<p>Mitigation Measure CR-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>MM CR-5: The City shall verify that the following note is included on the Grading Plan:</p> <p>"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>MM CR-6: 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</p>	<p>Project Developer; Project Archaeologist</p> <p>Project Developer; Project Archaeologist</p>	<p>City of Moreno Valley Planning Division and Land Development Division</p> <p>City of Moreno Valley Planning Division</p>	<p>Prior to the issuance of a grading permit</p> <p>In the event that cultural resources are discovered during the course of grading (inadvertent discoveries)</p>	

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	<p>(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 archeologist 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 CR-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 Archeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval</p>				

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	<p>California Government Code 6254(r).</p> <p>MM CR-9: Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist 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).</p>	<p>Project Developer; Project Archaeologist</p>	<p>City of Moreno Valley Planning Division and Land Development Division</p>	<p>Prior to final inspection</p>	
Geology and Soils					
<p>Threshold f: There is potential for Project-related grading activities</p>	<p>MM GEO-1: Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a</p>	<p>Project Applicant; Project Construction</p>	<p>City of Moreno Valley Planning Division</p>	<p>Prior to the issuance of a grading permit</p>	<p>Less than significant with mitigation incorporated</p>

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<p>to uncover and impact paleontological resources.</p>	<p>qualified paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.</p> <p>MM GEO-2: The paleontological monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at depths five or more feet below the existing ground surface and shall be equipped to salvage fossils if 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 paleontological monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and 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>	<p>Contractor; Project Paleontologist</p> <p>Project Applicant; Project Construction Contractor; Project Paleontologist</p>	<p>City of Moreno Valley Planning Division</p>	<p>Concurrent with grading activities</p>	

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	<p>MM GEO-3: Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the Western Science Museum in Hemet, California, is required for significant discoveries.</p> <p>MM GEO-4: A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Moreno Valley prior to building final.</p>	<p>Project Applicant; Project Construction Contractor; Project Paleontologist</p> <p>Project Applicant; Project Construction Contractor; Project Paleontologist</p>	<p>City of Moreno Valley Planning Division</p> <p>City of Moreno Valley Planning Division</p>	<p>Prior to grading permit final inspection</p> <p>Prior to building final</p>	