

RESOLUTION NUMBER 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (PEN19-0191), TENTATIVE PARCEL MAP (PEN19-0234), AND PLOT PLAN (PEN19-0193) FOR THE DEVELOPMENT OF A 1,263,271 SQUARE FOOT WAREHOUSE DISTRIBUTION/LOGISTICS CENTER KNOWN AS THE MORENO VALLEY TRADE CENTER PROJECT LOCATED AT EUCALYPTUS AVENUE, WEST OF REDLANDS BOULEVARD, NORTH OF ENCELIA AVENUE, AND EAST OF QUINCY CHANNEL

(APN'S 488-340-002 through 488-340-012)

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

WHEREAS, MVTC, LLC, a Delaware limited liability company ("Applicant") is proposing the development of a 1,263,271 square foot, modern light industrial building to be used as a warehouse distribution/logistics center, or, in the alternative, as an e-commerce facility, commonly known as the Moreno Valley Trade Center ("Proposed Project"), which includes associated site improvements, such as but not limited to, drive aisles, landscaping, utility infrastructure, water quality basins, exterior lighting, walls/fencing, and signage, as more fully described in the Environmental Impact Report (EIR), a copy of which is incorporated herein by this reference as though set forth in full; and

WHEREAS, the Proposed Project is located on land situated on Eucalyptus Avenue, west of Redlands Boulevard, north of Encelia Avenue, and east of Quincy Channel (APN'S 488-340-002 through 488-340-012) ("Project Site"); and

WHEREAS, the Proposed Project includes the following requested entitlements: General Plan Amendment (PEN19-0191), 2) Change of Zone (PEN19-0192) and corresponding amendment to the City's Zoning Atlas, 3) Tentative Parcel Map (PEN19-0234), and 4) Plot Plan (PEN19-0193); and

WHEREAS, the purpose of General Plan Amendment (PEN19-0191) is to change the Land Use Designation of the Project Site under the City of Moreno Valley General Plan Land Use Map from Residential 2 (R2) to Business Park (BP); and

WHEREAS, the purpose of Change of Zone (PEN19-0192) is to rezone the Project Site from Residential Agriculture 2 District (RA2) to Light Industrial District (LI), and to remove the Project Site's "Primary Animal Keeping Overlay (PAKO)" overlay classification; and

WHEREAS, the purpose of Tentative Parcel Map (PEN19-0234) is to merge the existing 11 parcels into a single parcel; and

WHEREAS, the purpose of Plot Plan (PEN19-0193) is to construct an

approximately 1,263,271 square foot Warehouse/Distribution building on the Project Site with associated parking, landscape improvements and off-site public improvements; and

WHEREAS, the Proposed Project was considered by the Planning Commission at a duly noticed public hearing conducted on October 28, 2021, and the Planning Commission voted 4-0 to deny the Proposed Project; and

WHEREAS, the Applicant appealed the Planning Commission's decision as set forth in Appeal Application (PAA21-0001) and a duly noticed public hearing on the appeal was conducted by the City Council on December 7, 2021; and

WHEREAS, at the public hearing held on December 7, 2021, the City Council did not rule on the appeal, but rather, after receiving public testimony unanimously voted to continue the public hearing regarding the Draft EIR and the Proposed Project to a date uncertain; and

WHEREAS, the Applicant has taken into consideration several issues raised by the Planning Commission in its denial of the Proposed Project and input it received from members of the public and the City Council at the December 7, 2021 public hearing, and submitted various revisions to the Proposed Project that the Applicant represented are responsive to the various concerns raised by members of the public, the Planning Commission and the City Council; and

WHEREAS, since none of the proposed revisions presented by the Applicant nor recommended by staff require any modifications or revisions to General Plan Amendment (PEN19-0191) and Change of Zone (PEN19-0192), as originally presented on October 28, 2021, at the Planning Commission public hearing and on December 7, 2021 City Council public hearing, the City Council is not required to refer the Proposed Project back to the Planning Commission for a recommendation prior to taking final action of the Proposed Project, as revised; and

WHEREAS, on June 21, 2022, the City Council did not rule on the appeal, but rather, unanimously voted to continue the public hearing regarding the Draft EIR and the Proposed Project to a date uncertain prior to reopening the public hearing; and

WHEREAS, on November 15, 2022, the item was scheduled for consideration by the City Council; however, the meeting was canceled and adjourned to December 6, 2022, with no action being taken; and

WHEREAS, on December 6, 2022, the City Council did not rule on the appeal, but rather, unanimously voted to continue the public hearing regarding the Draft EIR and the Proposed Project to a date uncertain prior to reopening the public hearing; and

WHEREAS, on April 18, 2023, the City Council conducted a duly noticed continued public hearing on the Proposed Project, as revised, and considered the Proposed Project's Environmental Impact Report and related Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, on April 18, 2023, in accordance with the provisions of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the City Council considered and approved Resolution No. 2023-_____ certifying the Proposed Project's Environmental Impact Report, adopting a Mitigation Monitoring and Reporting Program and approving a Statement of Overriding Considerations.

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

Section 1. Recitals and Exhibits

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

Section 2. Notice

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

Section 3. Evidence

That the City Council has considered all of the 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) Applications for 1) General Plan Amendment (PEN19-0191), 2) Change of Zone (PEN19-0192) and corresponding amendment to the City's Zoning Atlas, 3) Tentative Parcel Map (PEN19-0234), and 4) Plot Plan (PEN19- 0193) and all documents, records and references contained therein;
- (d) Proposed Project's Environmental Impact Report and related Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations;
- (e) Proposed conditions of approval for the Proposed Project;
- (f) Staff Reports prepared for the Planning Commission for its October 28, 2021 public hearing and the City Council for its December 7, 2021 public hearing;
- (g) Staff Reports prepared for the City Council for the June 21, 2022 public hearing;
- (h) Staff Reports prepared for the City Council for the November 15, 2022 public hearing;
- (i) Staff Reports prepared for the City Council for the December 6, 2022 public hearing;
- (j) Staff Reports prepared for the City Council for the April 18, 2023 public

- hearing;
- (k) Staff's presentation at the December 7, 2021 and April 18, 2023 City Council public hearings;
 - (l) Testimony and/or comments from Applicant and its representatives during the December 7, 2021 and April 18, 2023 public hearings; and
 - (m) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the December 7, 2021, June 21, 2022, November 15, 2022, December 6, 2022, and April 18, 2023 public hearings.

Section 4. Findings

That based on the foregoing Recitals and the Evidence, the City Council makes the following findings:

- (a) That General Plan Amendment (PEN19-0191) is consistent with existing goals, objectives, policies and programs of the 2040 General Plan and will not adversely affect the public health, safety or general welfare;
- (b) That the Proposed Project, which includes Plot Plan (PEN19-0193), is consistent with the goals, objectives, policies and programs of the 2040 General Plan; complies with all applicable zoning and other regulations and will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity; and the location, design and operation of the Proposed Project will be compatible with existing and planned land uses in the vicinity; and
- (c) That Tentative Parcel Map (PEN19-0234) involves at least one parcel that is undeveloped by any structure for which a building permit was issued and is consistent with the 2040 General Plan.

Section 5. Approval

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings set forth above, the City Council hereby approves 1) General Plan Amendment (PEN19-0191), 2) Tentative Parcel Map (PEN19-0234), and 3) Plot Plan (PEN19-0193) subject to the respective conditions of approval as set forth in Exhibit A, attached hereto, and the mitigation measures set forth in the Mitigation Monitoring and Reporting Program approved by the City Council through the adoption of Resolution No.2023-_____.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

That the City Council 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 City Clerk shall certify to the passage of this Resolution.

PASSED AND ADOPTED THIS 18th day of April, 2023.

Ulises Cabrera, Mayor

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Exhibits:

Exhibit A: Conditions of Approval for 1) General Plan Amendment (PEN19-0191), 2) Tentative Parcel Map (PEN19-0234), and 4) Plot Plan (PEN19-0193)

EXHIBIT A
CONDITIONS OF APPROVAL

[To be attached]

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Tentative Parcel Map (PEN19-0234)
Plot Plan (PEN19-0193)

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. Applicant/Developer shall defend, indemnify and hold harmless City, city council, commissions, boards, subcommittees and 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 agreements by and among City and Developer including without limitation any Development Agreement, (ii) any and all permits, licenses and entitlements approved by City; (iii) any environmental determination made by City in connection with the Project Site or Project; and (iv) any proceedings or other actions undertaken by City in connection with the adoption or approval of any of the above.
6. 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)
7. 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)

8. 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 of Approval Offered by the Project Applicant/Developer

The Project Applicant/Developer offered to provide the benefits set forth below, as enforceable special conditions of approval. As such, none of the following special conditions of approval shall be considered Mitigation Measures under CEQA.

9. Heavy Duty Electric Truck Grant Program - \$125,000
Prior to the issuance of the first building permit for the Project, the Developer shall establish a trust account or escrow account in which Developer shall deposit \$125,000 for the purpose of providing grants to private third parties for the purchase of at least five Class 8 Heavy Duty Electric Trucks. The Program shall prioritize grant applicants who will use their Heavy Duty Electric Trucks in the City of Moreno Valley and along the Highway 60 corridor, and shall give special priority for drayage trucks that will be used in the City of Moreno Valley and along the Highway 60 corridor. The grants shall be awarded prior to the issuance of the first Certificate of Occupancy for the Project.
The award of the Heavy Duty Electric Truck Grants shall include the following two conditions:
 - (1) a prohibition on the resale of the Heavy Duty Electric Truck to an entity that will operate trucks outside of California; and (2) 85% of the mileage must occur in the SCAQMD region, which shall be enforced using a geo-fencing electronic system on each Heavy Duty Electric Truck that has been funded by the Program.
 - (2) The Developer shall be responsible for establishing, funding and administering the Heavy Duty Electric Truck Grant Program, and provide a hyperlink to the Program that the City that may post on the City's official website for interested parties to access information about the Program.
10. Medium Duty Electric Truck Grant Program - \$27,000
Prior to the issuance of the first building permit for the Project, the Developer shall establish a trust account or escrow account in which Developer shall deposit \$27,000 for the purpose of providing grants to private third parties for the purchase of at least two Class 6 and/or Class 7 Medium Duty Electric Trucks. The Program shall prioritize grant applicants who will use their Medium Electric Trucks in the City of Moreno Valley and along the Highway 60 corridor. Only if there is no demand for Class 6 and Class 7 Medium Duty Electric Trucks, shall the grants be provided for the purchase of Class 4 and Class 5 Medium Duty Electric Trucks, with priority given to Class 5 over Class 4 Medium Duty Electric Trucks. The grants shall be awarded prior to the issuance of the first Certificate of Occupancy for the Project.
The award of the Medium Duty Electric Truck Grants shall include the following two conditions:
 - (1) a prohibition on the resale of the Medium Duty Electric Truck to an entity that will operate trucks outside of California; and
 - (2) 85% of the mileage must occur in the SCAQMD region, which shall be enforced using a geo-fencing electronic system on each Medium Duty Electric Truck that has been funded by the Program.
The Developer shall be responsible for establishing, funding and administering the Medium Duty Electric Truck Grant Program, and provide a hyperlink to the Program that the City that may post on the City's official website for interested parties to access information about the Program.
11. Local Delivery Electric Vehicle Program - \$27,000
Prior to the issuance of the first building permit for the Project, the Developer shall establish a

trust account or escrow account in which Developer shall deposit \$27,000 for the purpose of providing grants to private third parties for the purchase of at least three Local Delivery Electric Vehicles (generally referred to as Class 1, 2, and 3 trucks) for use for deliveries within the City of Moreno Valley and the immediate vicinity.

The Program shall prioritize grant applicants who occupy buildings situated within the Project Site that are located the closest to any developed residential areas and intend to use the grant proceeds to purchase the highest class of Class 1, 2, and 3 trucks for which there is demand. The grants shall be awarded prior to the issuance of the first Certificate of Occupancy for the Project.

The award of the Local Delivery Electric Truck Grants shall include a condition that requires that 50% of the mileage must occur in Moreno Valley and the Highway 60 corridor, which shall be enforced using a geo-fencing electronic system on each Local Delivery Electric Vehicle that has been funded by the Program.

The Developer shall be responsible for establishing, funding and administering the Local Delivery Electric Vehicle Grant Program, and provide a hyperlink to the Program that the City that may post on the City's official website for interested parties to access information about the Program.

12. Electric Passenger Vehicle Grant Program - \$25,000

Prior to the issuance of the first building permit for the Project, the Developer shall establish a trust account or escrow account in which Developer shall deposit \$25,000 for the purpose of providing 25 \$1,000 grants to Moreno Valley residents for the purchase of electric passenger vehicles.

The Program shall prioritize grant applicants who occupy households earning not more than 150% of the Area Median Income, as calculated by the U.S. Department of Housing and Urban Development.

The Developer shall be responsible for establishing, funding and administering the Electric Passenger Vehicle Grant Program, and provide a hyperlink to the Program that the City that may post on the City's official website for interested parties to access information about the Program.

13. Electric Vehicle Advocacy Fund - \$5,000

Prior to the issuance of the first building permit for the Project, the Developer shall establish a trust account or escrow account in which Developer shall deposit \$ 5,000 for the purpose of contributing the proceeds to a bona fide California non -profit organization, in good standing, that focuses on informing and educating members of the general public about the environmental benefits of electric vehicles and /or provides outreach, education, and training on the maintenance of zero -emissions vehicles.

Non-profit organizations, including without limitation to labor and /or environmental organizations, that are located in the City of Moreno Valley or which provide services to Moreno Valley residents shall be prioritized.

The Developer shall be responsible for establishing, funding and administering the Electric Vehicle Advocacy Fund to ensure that the grant funds are properly used, and provide a hyperlink to information regarding the availability of the funds that the City that may post on the City's official website for interested parties to access information about the Fund.

14. Solar Advocacy Fund - \$5,000

Prior to the issuance of the first building permit for the Project, the Developer shall establish a trust account or escrow account in which Developer shall deposit \$ 5,000 for the purpose of contributing the proceeds to a bona fide California non -profit organization, in good standing, that focuses on informing and educating members of the general public about the environmental benefits of solar -generated electricity and/or provides outreach, education, and

training on the installation and maintenance of solar panels and equipment.

Non-profit organizations, including without limitation to labor and /or environmental organizations, that are located in the City of Moreno Valley or which provide services to Moreno Valley residents shall be prioritized.

The Developer shall be responsible for establishing, funding and administering the Solar Advocacy Fund to ensure that the grant funds are properly used, and provide a hyperlink to information regarding the availability of the funds that the City that may post on the City's official website for interested parties to access information about the Fund.

15. Residential Air Filtration Reimbursement Program - \$40,000

Prior to the issuance of the first building permit for the Project, the Developer shall establish a trust account or escrow account in which Developer shall deposit \$40,000 for the purpose of paying up to 90% of a Moreno Valley's homeowner's cost of purchasing and installing non-portable air filtration systems including any necessitated HVAC modification, not exceeding \$5,000 per home, as follows: (a) the homeowner's home is an eligible home with the following address:

- 28572 Galino Court (APN: 478-400-041)
- 28602 Galino Court (APN: 478-400-016)
- 28608 Galino Court (APN: 478-400-017)
- 13020 Essen Lane (APN: 478-401-001)
- 13025 Gershwin Way (APN: 478-301-010)
- 13026 Gershwin Way (APN: 478-301-009)
- 13031 Mozart Way APN: 478-301-001)
- 28778 Strauss Lane (APN: 478-303-013)
- 28794 Strauss Lane (APN: 478-303-012)
- 28810 Strauss Lane (APN: 478-303-011)
- 13031 Shubert Street (APN: 478-303-001); and

(b) the homeowner requests payment within five years of the commencement of grading or commencement of construction of the first warehouse building. In the event a homeowner has a household income less than 80% of the Area Median Income as determined by the Department of Housing and Urban Development, the Project Applicant shall pay 100% of the cost of the air filtration system, not exceeding \$5,000 per home. The homeowner shall be permitted to select and contract with a contractor or installer of the homeowner's choice.

The Developer shall mail notice of the Residential Air Filtration System Reimbursement Program via registered or certified mail to homeowners of record of the eligible homes prior to the issuance of the Project's first grading or building permit and annually thereafter for four years. The notice shall identify the exact date when the five-year period starts and ends.

The Developer shall be responsible for establishing, funding and administering the Residential Air Filtration System Reimbursement Program to ensure that the reimbursement funds are properly used, and provide a hyperlink to information regarding the availability of the funds that the City that may post on the City's official website for interested parties to access information about the Fund.

16. Residential Noise Insulation Reimbursement Program - \$64,000

Prior to the issuance of the first building permit for the Project, the Developer shall establish a trust account or escrow account in which Developer shall deposit \$64,000 for the purpose of paying up to 90% of a Moreno Valley's homeowner's cost of purchasing and installing noise

insulation measures, not exceeding \$8,000 per home, as follows:

- a. the homeowner's home is an eligible home with the following address:
 - 28572 Galino Court (APN: 478-400-041)
 - 28602 Galino Court (APN: 478-400-016)
 - 28608 Galino Court (APN: 478-400-017)
 - 13020 Essen Lane (APN: 478-401-001)
 - 13025 Gershwin Way (APN: 478-301-010)
 - 13026 Gershwin Way (APN: 478-301-009)
 - 13031 Mozart Way APN: 478-301-001)
 - 28778 Strauss Lane (APN: 478-303-013)
 - 28794 Strauss Lane (APN: 478-303-012)
 - 28810 Strauss Lane (APN: 478-303-011)
 - 13031 Shubert Street (APN: 478-303-001), and
- b. the homeowner requests payment within five years of the commencement of grading or commencement of construction of the first warehouse building. In the event a homeowner has a household income less than 80% of the Area Median Income as determined by the Department of Housing and Urban Development, the Project Applicant shall pay 100% of the cost of the noise insulation, not exceeding \$10,000 per home. The homeowner shall be permitted to select and contract with a contractor or installer of the homeowner's choice.

The Developer shall mail notice of the Residential Noise Insulation Reimbursement Program via registered or certified mail to homeowners of record of the eligible homes prior to the issuance of the Project's first grading or building permit and annually thereafter for four years. The notice shall identify the exact date when the five-year period starts and ends.

The Developer shall be responsible for establishing, funding and administering the Residential Noise Insulation Reimbursement Program to ensure that the reimbursement funds are properly used, and provide a hyperlink to information regarding the availability of the funds that the City that may post on the City's official website for interested parties to access information about the Fund.

17. Residential Exterior Pressure Washing Reimbursement Program - \$4,000
Prior to the issuance of the first building permit for the Project, the Developer shall establish a trust account or escrow account in which Developer shall deposit \$ 4,000 for the purpose of reimbursing each homeowner for exterior pressure washings of the first two rows of homes on the south side of Encelia Avenue up to \$ 500 per house during any on-site or off-site grading activities, not exceeding a total sum of \$4,000.
The Developer shall be responsible for establishing, funding and administering the Residential Exterior Pressure Washing Reimbursement Program to ensure that the reimbursement funds are properly used, and provide a hyperlink to information regarding the availability of the funds that the City that may post on the City's official website for interested parties to access information about the Fund.
18. Onsite EV Chargers and APU Plug-Ins
Prior to the issuance of the first Certificate of Occupancy for the Project, the Developer at its own cost shall install at a minimum, 12 onsite EV charging stations. In addition, prior to the issuance of the first Certificate of Occupancy for the Project, the Developer shall install at its own cost at least one APU plug-in for every 35 dock doors at multiple locations within the Project Site where trucks park, with signage that identifies in English and Spanish where such APU plug-ins are located. Signage at each EV parking space shall also state that the EV parking space is for EVs only and improperly parked vehicles shall be towed.

19. **LEED Silver Certification Standards**
The Developer shall design the Project's main building's shell and core to meet the Leadership in Energy and Environmental Design (LEED)-equivalent "Silver" Certification standards. If the Developer advertises any building within the Project Site as having LEED Silver Certification, it shall apply for and obtain such certification prior to distributing or publishing any such advertisement. If LEED Silver Certification is granted, notice shall be provided to the City and any interested parties submitting a written request for proof of LEED Silver Certification.
20. **Electrical Appliances**
Only electric appliances shall be used in building office areas (e.g., electric stoves).
21. **Diesel Powered Generators**
The use of portable or stationary diesel powered generators shall be prohibited unless necessary due to emergency situations or constrained supply.
22. **Construction Equipment**
All construction equipment shall meet or be cleaner than Tier 4 standards, except if the general contractor overseeing the Project's construction certifies that it is not feasible to use exclusively Tier 4 equipment due to limited availability. In all events, at least 80% of all construction equipment shall meet or be cleaner than Tier 4 standards throughout the construction phase of the Project.
In the event that any portable or stationary diesel-powered construction equipment becomes available with improved emission control devices that reduce particulate matter emissions, including fine particulate matter, and reduces NOx emissions at commercially reasonable prices, and in sufficient quantities to be reasonably available, then the Developer may cause the use of such construction equipment. Otherwise, no stationary or portable diesel-powered generators may be used, during construction, unless necessary due to emergency situations or constrained supply.
23. **Lighting Program**
The Developer shall establish a Lighting Program that incorporates the following: (a) implements measures that are intended to reduce light and glare to maximum extent practicable; (b) implements a lighting program in compliance with International Dark Sky Association standards, except where doing so would violate safety requirements or federal, state, county or City regulations; (c) requires all exterior lighting, including street lights, to be 2,700 Kelvin; (d) commands the installation of motion sensors on all interior lighting consistent with applicable Title 24 regulations; (e) mandates the installation of full cut-off luminaires on all buildings and poles situated within the Project Site; (f) orders the posting of signs on-site stating that truck head lights shall be turned off within five minutes of truck parking; (g) requires all construction lighting to be shielded and directed away from the Project's property lines; and (h) limits the height of all outdoor freestanding and wall-mounted lights to no more than 20 feet within 180 feet of the centerline of any public streets, except where doing so would violate safety requirements or any federal, state, county or City regulations.
24. **Landscaping Requirements**
The Developer shall plant at least 599 trees at the Project Site, consistent with the following:
 - a. **Screening:** Along the perimeter edges of the Project Site facing the existing residential neighborhood, it shall be developed to screen future buildings with walls, and/or landscaping. For all buildings along the perimeter edges of the Project Site, all buildings and roof mounted equipment shall be substantially screened by walls and/or landscaping which remains in a state of maturity and non -deciduous at all times of the year. "Substantially screened" means that while there might be some view of the

buildings looking through the foliage, the buildings will be mostly obscured from view.

- b. Large Trees: At least 50% of the trees planted along the perimeter edges of the Project Site which face the existing residential neighborhood shall be 24-inch box trees.
 - c. Evergreen Trees: Evergreen trees, which include all species of decorative non-deciduous trees, shall constitute 95% of all 24-inch box trees planted along the perimeter edges of the Project Site which face the existing residential neighborhood. The 24-inch box evergreen trees shall be concentrated towards the higher topographic elevations within the perimeter edges of the Project Site to maximize screening.
 - d. Palm Trees: Palm trees may only be planted in accent areas only.
 - e. Accent Elements: To the extent practicable, in order to create visual interest, site contours shall vary and accent elements, such as boulders, which shall be placed along the frontage of the perimeter edges of the Project Site facing the existing residential neighborhood.
 - f. Layered Effect: Along the perimeter edges of the Project Site facing the existing residential neighborhood, trees shall be planted at varied depths from the Project Site's property line so that instead of creating a uniform and linear appearance, the planted trees create a layering effect as viewed from adjacent streets so as to maximize screening of buildings.
 - g. Maintenance: Trees shall be maintained in their natural form and shape with minimal pruning and all dead trees shall be promptly removed and replaced with similar type and size trees.
 - h. Parking Area Trees: Trees planted in the Project Site's parking areas shall be capable of achieving 50% shading within ten years of planting.
 - i. Invasive Non-Native Vegetation: Invasive non-native vegetation, such as certain grasses, shrubs, and sub-shrubs shall be removed from the Project Site as part of the Project's regular landscaping services.
 - j. Entire Site. Evergreen trees, which include all species of decorative non-deciduous trees, shall constitute 50% of all trees planted within the Project Site.
25. Trucks:
- a. Drive Aisle Walls: All portions of truck circulation drive aisles that are visible from any existing home within 1,000 feet of the perimeter edges of the Project Site shall be shielded by walls at least 14 feet high, upon approval of the City to ensure no traffic safety issues are created. In no case, however, shall any such walls be lower than 12 feet high.
 - b. Turning Measures: The Developer shall design and install on -site physical improvements, including but not limited to curbs, street humps, street bumps or textured pavement, approved by the City, that discourage truck operators from turning their trucks in the wrong direction when entering or leaving the Project Site.
 - c. Directional Signage: The Developer shall install on-site signage clearly stating which directions trucks must turn at all streets exiting the Project Site.
26. Construction Activities:
- a. No nighttime grading or outside construction between 6:00 p.m. and 7:00 a.m. shall be conducted within 1,000 feet of any existing home across the street along the perimeter edge of the Project Site, except if necessary for concrete pours.
 - b. The Developer shall provide notice to residents within 100 feet of any portion of the perimeter edge of the Project Site, at least one week prior to construction between 6:00 p.m. and 7:00 a.m.
 - c. Construction trucks shall be prohibited from using Encelia Street., other than for

- infrastructure construction or necessary detours.
 - d. Lunch vendor services shall be provided on-site during the construction phase of the construction phase of the Project.
- 27. Parking:
 - a. The Project shall include preferential parking for carpools and vanpools equal to 5% of the total number of on-site parking spaces.
 - b. The Project shall include designated parking spaces for motorcycles.
 - c. The Project shall provide sufficient on-site truck parking within the on-site parking areas to enable all trucks reasonably expected to visit the Project to park on-site (as determined by a qualified transportation engineer).
- 28. Rooftops:

Warehouse roof areas not covered by solar panels shall be constructed with materials with an initial installation Solar Reflective Index Value of not less than 39.
- 29. Trash Removal:

Trash removal within and along all perimeter edges of the Project Site shall occur at least weekly or within three business day of receipt of notification to any occupant of the Project or the Project's management or community ombudsman.
- 30. Developer agrees to augment the sign prohibiting truck traffic southbound on Redlands (said sign currently located at the NW corner of Eucalyptus and Redlands) to a larger size and more prominent design, subject to review and approval by City staff.
- 31. To reduce noise associated with the use of backup alarms, either ambient-sensitive self-adjusting backup alarms or manually adjustable alarms shall be used on all equipment in use on the project site that requires a backup alarm. Ambient-sensitive self-adjusting backup alarms shall be equipped to increase or decrease their volume based on background noise levels by self-adjusting to produce a tone that is readily noticeable over ambient noise levels, which is typically a minimum of 5 decibels above the ambient noise, but not so loud as to be a constant annoyance to neighbors. Close attention shall be given to the alarm's mounting location on the machine in order to minimize engine noise interference, which can be sensed by the alarm as the ambient noise level. An alarm mounted directly behind a machine radiator shall be equipped to sense the cooling fan's noise and adjust accordingly. If ambient backup alarms are utilized, a log shall be maintained that describes the type and timing of maintenance of each piece of equipment that is essential to the effective operation of the ambient backup alarm system. If manually-adjustable alarms are used, which eliminates the machine mounting location problem of the ambient-sensitive self-adjustable backup alarms, each such alarm shall be set at the beginning of each day and night shift. If manual backup alarms are utilized, a log shall be maintained that describes the type and timing of maintenance of each piece of equipment that is essential to the effective operation of the manual backup alarm system. Alternatively, backup movements can be supervised with a guide and flagging system if permitted under applicable OSHA regulations. If a flagging system is used, a log shall be maintained that describes the type of equipment used, if any, and the name of each flag person. All Logs shall be retained for a minimum of 12-months and be readily available to the City of Moreno Valley for inspection purposes during normal business hours.
- 32. The Developer shall make a \$500,000 cash contribution to the Moreno Valley Community Foundation before a final Certificate of Occupancy is issued for any building or structure on the Project Site.

Special Conditions

33. The site has been approved for the construction of an approximate 1,263,271 square foot light industrial building with 214 dock doors with associated site and public improvements. A change or modification shall require separate approval.
34. Prior to grading plan approval, Basin fencing shall include wrought iron fencing with pilasters
35. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
36. The site shall be developed in accordance with the approved tentative parcel 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)
37. A drought tolerant landscape palette shall be utilized throughout the project in compliance with the City's Landscape Requirements. (9.17)
38. 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)
39. 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 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).
40. All landscaped areas in perpetuity shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
41. Prior to issuance of building permit issuance, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA or other private entity shall be submitted to and approved by the Planning Division for the sides and /or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative (e.g. split face, color variation, pattern variation, or as approved by the Planning Official) wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Planning Official is required to

secure all water quality and detention basins more than 18 inches in depth.

42. 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)
43. Prior to the issuance of grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.
44. Prior to any site disturbance and/or grading plan submittal, and or final map recordation, a mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant/owner. No City permit or approval shall be issued until such fee is paid. (CEQA)
45. Prior to issuance of a building permit, the developer/property owner or developer's successor-in-interest shall pay all applicable impact fees due at permit issuance, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees. (Ord.)
46. Prior to approval of any grading plan, local and master-planned multi-use trail easements shall be shown on the rough and precise grading plans in accordance with the City's Master Trail Plan.
47. 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)
48. Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to both the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)
49. Prior to final map recordation any required trail easements shall be provided.
50. Prior to approval of a grading plan, a detailed trail plan shall be submitted to and approved by the Planning Division. The plan shall indicate widths, maximum slopes, physical conditions, fencing, walls, and/or amenities in accordance with City standards.
51. Prior to approval of any grading permit, a tree plan shall be submitted to and approved by the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right -of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be shown on the plan, be a minimum size of 24 inch box, and meet a ratio of three replacement trees for each mature tree removed or as approved by the Planning Official. (GP Objective 4.4, 4.5, DG)

Prior to Building Permit

52. Prior to issuance of any grading permit, all Conditions of Approval, and Mitigation Measures shall be printed on the building plans.
53. 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.
54. 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)
55. 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. 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. Landscaping on three sides of any trash enclosure.
 - i. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.
56. 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)
57. Prior to issuance of a building permit, the developer/property owner or developer's successor-in-interest shall pay all applicable impact fees due at permit issuance, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees. (Ord)
58. Prior to issuance of building permits, for projects that will be phased, a phasing plan shall be submitted to and approved by the Planning Division if occupancy is proposed to be phased.

59. 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.
60. 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)
61. 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 completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.
62. Prior to issuance of building permits, proposed covered trash enclosure (s) shall be included in the Planning review of the Fence and Wall plans. 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 unless located within the truck loading area. Approved design plans shall be included in a Building submittal (Fence and walls or building design plans). (GP Objective 43.6, DG)
63. At least thirty days prior to issuance of any grading permit, the developer shall retain a qualified archaeologist, provide a letter identifying the name and qualifications of the archaeologist to the Planning Division for approval, to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources and to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity.
At least thirty days prior to issuance of a grading permit, the applicant shall provide evidence that contact has been established with the appropriate Native American Tribe(s), providing notification of grading, excavation and the proposed monitoring program and to coordinate with the City and Tribe(s) to develop a cultural resources treatment and monitoring agreement. The agreement shall address treatment of known cultural resources, the designation, responsibilities and participation of Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.
A report documenting the proposed methodology for grading monitoring shall be submitted to and approved by the Planning Division prior to issuance of any grading permit. The monitoring archaeologist shall be empowered to stop and redirect grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The archaeologist shall consult with affected Tribe (s) to evaluate any archaeological resources discovered on the project site. Tribal monitors shall be allowed to monitor all grading, excavation and groundbreaking activities, and shall also have authority to stop and redirect grading activities in consultation with the project archaeologist.
The property owner shall relinquish ownership to the Tribe (s) of all Native American cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project site for proper treatment and disposition. All sacred sites, should they be encountered with the project site, shall be avoided and preserved as the preferred mitigation.

If any inadvertent discoveries of subsurface archaeological or cultural resources occur during grading, the applicant, project archaeologist, and Tribe (s) shall assess the significance of such resources and shall meet and confer regarding mitigation of such resources. Avoidance is the preferred method of preservation of archaeological resources. If the applicant, project archaeologist and Tribe (s) cannot agree on the significance or mitigation for such resources, the issue (s) will be presented to the Planning Official with adequate documentation. The Official shall make a determination based on the provisions of CEQA and consideration of the religious beliefs, customs and practices of the Tribe(s).

64. Prior to issuance of any grading permit, all Conditions of Approval, and Mitigation Measures shall be printed on the grading plans.
65. 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)
66. 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.
67. Prior to approval of any grading plan, local and master-planned multi-use trail easements shall be shown on the rough and precise grading plans in accordance with the City's Master Trail Plan.
68. 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)
69. Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Wildlife and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)
70. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
71. 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.
72. Prior to approval of any grading permits, the applicant shall have a qualified hazardous materials specialist examine the site to determine if there are any toxic or hazardous materials on-site which might pose a threat to human health. The examination shall include soil tests if deemed

necessary by the consultant. A copy of the report, including recommended remediation or other clean -up measures, shall be provided to the Planning Division and the Public Works Department - Land Development Division by the consultant prior to any grading permits being issued. (Ord,)

73. Prior to approval of any grading permits, plans for any security gate system shall be submitted to and approved by to the Planning Division.
74. 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. [apply to commercial and multi-family project, and major entry driveways for industrial]
75. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project.
The sign shall include the following:
 - a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
76. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
77. Prior to approval of any grading permit, the tree plan shall be submitted to and approved by the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right -of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be shown on the plan, be a minimum size of 24 inch box, and meet a ratio of three replacement trees for each mature tree removed or as approved by the Planning Official. (GP Objective 4.4, 4.5, DG)

Prior to Building Final or Occupancy

78. 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).
79. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
80. 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).
81. Prior to building final or Certificate of Occupancy, the owner or owner 's representative shall provide documentation to the Planning Division that they have contacted the Moreno Valley Police Department to establish and maintain a relationship with the City of Moreno Valley Police Department and cooperate with the Problem Oriented Policing (POP) program, or its successors. [multi-family, night clubs, liquor stores]

Building Division

82. 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.

83. Contact the Building Safety Division for permit application submittal requirements.
84. 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.
85. 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 obtained from the Building Official or City Engineer.
86. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
87. 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.
88. 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.
89. 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.
90. 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).
91. 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 California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
92. 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)

93. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.

94. 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.
95. New Moreno Valley businesses are encouraged to hire local residents.
96. New Moreno Valley businesses are encouraged to provide a job fair flyer and /or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
97. 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

98. 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)
99. 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)
100. 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)
101. 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)
102. Prior to issuance of Certificate of Occupancy or Building Final, “Blue Reflective Markers” shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVL 440A-0 through MVL 440C-0)
103. 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[1])
104. 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.

105. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
106. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
107. 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])
108. 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)
109. 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 1/2" x 2 1/2") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
110. 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)
111. 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 B 105.1. 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)
112. 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

113. 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.

114. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and/or concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.
- The Developer shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City all utility infrastructure including but not limited to, conduit, equipment, vaults, ducts, wires (including fiber optic cable), switches, conductors, transformers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility – collectively referred to as "utility system", to and through the development, along with any appurtenant real property easements, as determined by the City Engineer necessary for the distribution and/or delivery of any and all "utility services" to and within the project. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval.
- The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system.
115. 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.
116. 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.

PUBLIC WORKS DEPARTMENT

Land Development

117. 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. Any existing striping shall be removed prior to slurry application and replaced per City standards.

118. 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]
119. 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.
120. 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.
121. 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.
122. 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 acquisition. [GC 66462.5]
123. 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)]
124. 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]

125. 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.
126. 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.
127. The proposed private storm drain system shall connect to the proposed 78" reinforced concrete pipe (RCP) in Redlands Boulevard. A storm drain manhole shall be placed at the right of way line to mark the beginning of the publicly maintained portion of this storm drain.
128. 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. Parcel Map (recordation prior to building permit issuance);
 - b. Rough grading with erosion control plan (prior to grading permit issuance);
 - c. Precise grading with erosion control plan (prior to grading permit issuance);
 - d. Street/storm drain with striping, RCFC & WCD storm drain, and sewer/water plans (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). Prior to Grading Permit
129. 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)]
130. 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.
131. 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 current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]
132. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.
133. 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)]
134. 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]
135. The developer shall pay all applicable inspection fees.

136. 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

137. All proposed street names shall be submitted for review and approved by the City Engineer, if applicable. [MC 9.14.090(E.2.k)]
138. 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.
139. The developer shall enter into a Cooperative Agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project.
140. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
141. Resolution of all drainage issues shall be as approved by the City Engineer.
142. 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.
143. 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]
144. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
145. The developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities.
146. 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

147. 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.
148. The developer shall submit clearances from all applicable agencies, and pay all applicable

plan check fees.

149. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
150. 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.
151. 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.
152. 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]
153. 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 requirements.
154. 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.
155. 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.
156. 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.

Prior to Encroachment Permit

157. A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
158. All applicable inspection fees shall be paid.
159. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

160. 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.
161. 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.
162. For non-subdivision projects, all street dedications shall be free of 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.
163. 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.
164. 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).

Prior to Occupancy

165. All outstanding fees shall be paid.
166. 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.
167. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
168. For commercial, industrial and multi-family projects, in compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. Under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act, this project is subject to the following requirements:
 - a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
 - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
 - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

- b. Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. [California Government Code & Municipal Code]
169. 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. Under grounding 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.
170. For commercial, industrial 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.
171. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
- 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.
172. 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.

Special Conditions

173. Prior to issuance of a building permit, the developer shall make a lump sum, fair share, estimated reimbursement payment of \$212,100 towards the Eucalyptus Avenue and Redlands Boulevard roundabout improvement, consistent with the terms of the Reimbursement Agreement (PEN18-0254), dated 01/12/22.
174. "Prior to occupancy, the Applicant shall install a 72" reinforced concrete pipe (RCP) storm drain to join the existing 72" RCP, located in Redlands Boulevard south of Eucalyptus Avenue. The Applicant shall also make the necessary installations that will cause the proposed 72" RCP to transition to a proposed 78" RCP at Redlands Boulevard north of Encelia Avenue to be installed by the Applicant, which will terminate near Dracaea Avenue, where it will join an existing 42" RCP. Final design and sizing shall be coordinated with the City and Riverside County Flood Control and Water Conservation District (RCFC & WCD) and shall be as approved by the City Engineer."
175. Prior to occupancy, a sheet pile wall with guard rail shall be constructed along the project's westerly property line (the easterly limits of the Quincy Channel).
176. Prior to grading plan approval, the developer shall dedicate the following right of way to accommodate the required improvements:
 - a. The necessary street right of way dedication on the west side of Redlands Boulevard (110' R/W / 86' CC: 4-Lane Divided Arterial, City Standard No. MVSI-103A-0) along project frontage.
 - b. The necessary street right of way dedication on the south side of Eucalyptus Avenue (100' R/W / 76' CC: Arterial, City Standard No. MVSI-104A-0) along project frontage.
 - c. The necessary street right of way dedication on the north side of Encelia Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-1) along project frontage.
 - d. A 4 foot minimum pedestrian right of way dedication behind any driveway approach per City Standard No. MVSI-112C-0 on Redlands Boulevard and Eucalyptus Avenue
 - e. Corner cutback right of way dedication necessary to construct the roundabout intersection improvements on the southwest corner of Redlands Boulevard and Eucalyptus Avenue, as directed by the City Engineer.
 - f. Corner cutback right of way dedication per City Standard No. MVSI-165-0 on northwest corner of Redlands Boulevard and Encelia Avenue.
177. Prior to building permit issuance, the westerly 5' of Redlands Boulevard right of way shall be vacated in order to achieve the 4-Lane Divided Arterial right of way half-width of 55', as directed by the City Engineer.
178. Prior to occupancy, the following improvements shall be completed:
Redlands Boulevard (110' R/W / 86' CC: 4-Lane Divided Arterial, City Standard No. MVSI-103A-0) shall be constructed to achieve a half-width of 43', full-width median, 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. Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-103A-0. Any missing or deficient improvements along the project's east frontage shall be constructed prior to issuance of a certificate of occupancy.
179. Prior to occupancy, the following improvements shall be completed:
Eucalyptus Avenue (100' R/W / 76' CC: Arterial, City Standard No. MVSI-104A-0) shall be

constructed to achieve a half-width of 38' plus an additional 18' 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/joins to existing, street lights, pedestrian ramps, and dry and wet utilities. Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-104A-0. Any missing or deficient improvements along the project's north frontage shall be constructed prior to issuance of a certificate of occupancy.

180. Prior to occupancy, the following improvements shall be completed:
Encelia Avenue (88' R/W / 64' CC: Minor Arterial, City Standard No. MVSI-105A-1) shall be constructed to achieve a half-width of 32' plus an additional 18' of pavement, along the entire project's south frontage. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, drainage structures, any necessary offsite improvement transition/joins to existing, street lights, pedestrian ramps, and dry and wet utilities. Prior to improvement plan approval, the developer shall provide to the City Engineer the results of coring tests confirming that said existing pavement section has been constructed per City Standard No. MVSI-105A-1. Any missing or deficient improvements along the project's south frontage shall be constructed prior to issuance of a certificate of occupancy.
181. 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.
182. Prior to improvement plan approval, the project applicant shall design the intersection of Redlands Boulevard and State Route 60 Westbound Ramps, including acquiring necessary right of way to accommodate the required improvements. Design requirements shall be per the Transportation Engineering Division's Conditions of Approval.
183. Prior to occupancy, per the Transportation Engineering Division's Conditions of Approval, all required improvements for the intersection of Redlands Boulevard and State Route 60 Westbound Ramps shall be constructed and fully operational per the approved plans and to the satisfaction of the City Engineer and Caltrans (as applicable).

Special Districts Division

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

185. This project is conditioned for a proposed district to provide a funding source for the operation and maintenance of public improvements and /or services associated with new development in that territory. The Developer shall satisfy this condition with one of the options outlined below.
- a. Participate in a special election for maintenance/services and pay all associated costs of the election process and formation, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
 - b. Establish an endowment fund to cover the future maintenance and /or service costs. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org when submitting the application for building permit issuance. If the first building permit is pulled prior to formation of the district, this condition will not apply. If the district has been or is in the process of being formed the Developer must inform the Special Districts Division of its selected financing option (a. or b. above). The option for participating in a special election requires 90 days to complete the special election process. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution. The financial option selected shall be in place prior to the issuance of the first certificate of occupancy for the project.
186. Commercial (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the continuous operation, remediation and/or replacement, monitoring, systems evaluations and enhancement of on -site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option for the National Pollution Discharge Elimination System (NPDES) program when submitting the application for the first building permit issuance (see Land Development's related condition). Participating in a special election the process requires a 90 day period prior to the City's issuance of a building permit. This allows adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)
187. For those areas to be maintained by the City and prior to the issuance of the first Building Permit, Planning Division (Community Development Department), Special Districts Division (the Public Works Department) and Transportation Division (the Public Works Department) shall review and approve the final median, traffic circle, parkway, slope, and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval prior to the issuance of the first Building Permit.
188. This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for Public Safety services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the property owner shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org when submitting the application for building permit issuance to determine the requirement for participation. If the first building permit is pulled prior to formation of the district, this condition will not apply. If the condition applies, the

special election will require a minimum of 90 days prior to issuance of the first building permit. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)

189. **MAJOR INFRASTRUCTURE FINANCING DISTRICT.** This project has been identified to potentially be included in the formation of a special financing district for the construction and maintenance of major infrastructure improvements which may include but are not limited to thoroughfares, bridges, and certain flood control improvements. The property owner(s) shall participate in such district and pay any special tax, assessment, or fee levied upon the project property for such district. At the time of the public hearing to consider formation of or annexation into the district, the qualified elector(s) will not protest the formation or annexation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property obtains from the improvements to be installed and /or maintained. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org when submitting an application for the first building permit to determine whether the development will be subjected to this condition. If subject to the condition, the special election requires a minimum 90 day process in compliance with the provisions of Article 13C of the California Constitution.

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

- a. Street Lighting Services for capital improvements, energy charges, and maintenance.
- b. Landscape Maintenance Services for parkway, open space, median, and /or traffic circle landscaping.

The Developer's responsibility is to provide a funding source for the capital improvements and the continued maintenance. The Developer shall satisfy this condition with one of the options below.

- i. Participate in a special election (mail ballot proceeding) and pay all associated costs of the special election and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- ii. Establish a Property Owner's Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs

The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option when submitting the application for building permit issuance. The option for participating in a special election requires approximately 90 days to complete the special election process. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

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

191. The Developer, or the Developer's successors or assignees shall be responsible for all parkway, median, and/or traffic circle landscape maintenance for a period of one (1) year commencing from the time all items of work have been completed to the satisfaction of Special Districts staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the District accepts maintenance responsibilities.

192. Inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained parkways/medians/traffic circles are due prior to the required pre-

construction meeting. (MC 3.32.040)

193. Plans for parkway, median, traffic circle, slope, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org/sd or from the Special Districts Division (951.413.3480 or specialdistricts@moval.org).
194. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
195. Plan check fees for review of parkway/median/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)
196. PARKS 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, and programs.

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. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

197. Street Light Authorization forms for all street lights that are conditioned to be installed as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison. For questions, contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.
198. Parkway, open space, median, and or traffic circle 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.

199. Right of Way Water Quality BMP Maintenance. The ongoing maintenance of any water quality BMP (e.g. Bioswale) constructed in the public right of way shall be the responsibility of a property owner association or the property owner.
200. Mylars of the landscape and irrigation plans shall be submitted on hanging tab to Landscape Services.

Transportation Engineering Division

201. Driveways shall conform to City of Moreno Valley Standard Plan No. MVSI-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be as follows:
 - Redlands Boulevard northerly driveway: Full access for passenger vehicles only. No truck access.
 - Redlands Boulevard southerly driveway (50-feet wide): Right-in, left-in, right-out access for passenger vehicles only. No truck access.
 - Eucalyptus Avenue westerly driveway (50-feet wide): Full access for both passenger vehicles and trucks.
 - Eucalyptus Avenue easterly driveway (50-feet wide): Right-in, right-out access for passenger vehicles only. Only right-out access for trucks.NOTE: Truck directional signage per the approved signing and striping plan shall be installed.
202. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
203. 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.
204. 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 Redlands Boulevard, Eucalyptus Avenue, and Encelia Avenue. 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.
205. Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. MVSI-104A-0. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. A Class II bicycle lane shall be provided along project frontage. Additional improvements such as bicycle ramps, shared use path, or any additional bicycle treatment at the Redlands Boulevard/ Eucalyptus Avenue roundabout shall be considered during the design of street improvements.
206. Communication conduit will be required along the project's Redlands Boulevard frontage per City Standard Plan No. MVSI-186-0.
207. 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.

208. The final street improvement plans shall include a bus turnout, designed per the City of Moreno Valley Standard Plan No. MVSI-161-0, for the west side of Redlands Boulevard, south of Eucalyptus Avenue. 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 Redlands Boulevard along the project frontage. Restricted left-turn median opening per City of Moreno Valley Standard Plan No. MVSI-145-0 shall be designed to prohibit left-out and provide left-turn movements into the southern driveway on Redlands Boulevard. No movements shall be restricted for automobiles at the northern driveway on Redlands Boulevard. Median on Eucalyptus Avenue shall be modified to extend at least 30 feet west of the west BCR of easterly driveway on Eucalyptus Avenue.
209. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and State Route 60 Westbound Ramps to provide the following geometrics:
- Northbound: One left turn lane, one through lane, one shared through/right turn lane
 - Southbound: One left turn lane, one through lane
 - Eastbound: One shared left turn/through/right turn lane
 - Westbound: One shared left turn/through/right turn lane

NOTE: Improvements may require widening of the north leg of the intersection and traffic signal modifications. The City of Moreno Valley will aid the applicant if any right-of-way acquisition is necessary. If a traffic signal modification is necessary, prior to the final approval of the street improvement plans, a traffic signal modification plan shall be prepared for the existing traffic signal at Redlands and State Route 60 Westbound Ramps. Traffic signal modification 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 and be submitted to California Department of Transportation (Caltrans) District 8 for their review and approval. The developer is responsible for obtaining a Caltrans encroachment permit prior to performing any work within Caltrans right-of-way.

210. Prior to issuance of a building permit, the project applicant shall pay all applicable DIF and TUMF. Payment of these fees cover the project's payment towards any future improvement for the intersections of Moreno Beach Drive and State Route 60 Eastbound Ramps, segment of Moreno Beach Drive from State Route 60 Westbound Ramps to State Route 60 Eastbound Ramps, intersection of Redlands Boulevard and State Route 60 Eastbound Ramps, segment of Redlands Boulevard from State Route 60 Westbound Ramps to State Route 60 Eastbound Ramps, as identified in the approved Traffic Impact Analysis, dated November 2020 and Environmental Impact Report, and future signalization of the Redlands Boulevard and Encelia Avenue intersections.
211. Prior to issuance of Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
212. Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and approved plans.
213. Prior to issuance of Certificate of Occupancy, raised median improvements and the bus turnout shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer.
214. Prior to issuance of Certificate of Occupancy, all required improvements for the intersection of Redlands Boulevard and State Route 60 Westbound Ramps shall be completed and fully

operational per the conditions of approval and approved plans to the satisfaction of the City Engineer and Caltrans (if applicable).

215. Any gated entrance shall be provided with the following:
- A storage lane with sufficient queuing length for entering commercial trucks.
 - Signing and striping in front of the gate.
- All of these features must be kept in working order.
216. 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.
217. Redlands Boulevard is classified as a 4-Lane Divided Arterial (110'RW/86'CC) per City Standard Plan No. MVSI-103A-0 with any necessary roadway transitions south of this project. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. A Class II bicycle lane shall be provided along project frontage. Additional improvements such as bicycle ramps, shared use path, or any additional bicycle treatment at the Redlands Boulevard / Eucalyptus Avenue roundabout shall be considered during the design of street improvements.
218. Encelia Avenue is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-1. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.
219. In the event the applicant requests a traffic signal at the intersection of Redlands Boulevard and the northerly driveway on Redlands, the applicant shall initiate the process and prepare any necessary studies and improvement plans, as requested by the City, for review and approval of the City Engineer. The applicant shall be responsible for all costs associated with the construction of the traffic signal and shall enter into a maintenance agreement with the City.
220. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

PARKS & COMMUNITY SERVICES DEPARTMENT

221. This project is subject to current Development Impact Fees.
222. Multi-use trail to be constructed in accordance with City's Master Plan of Trail and City standard drawings.

Standard Conditions

223. Detailed final plans (mylars, PDF, and AutoCAD file on a DVD-R) for parks, trails/bikeways, fencing, and adjoining landscaped areas shall be submitted to and approved by the Director of Parks and Community Services, or his /her designee, prior to the issuance of any building permits. All plans are to include a profile showing grade changes.
224. Within the improvements for PCS, the applicant shall show all existing and planned easements on all maps and plans. Easements on City/CSD owned or maintained parks, trails, bikeways, and landscape shall be identified on each of these plans with the instrument number of the recorded easement.

225. Prior to grading permit, the applicant shall post security to guarantee construction or modification of parks, trails and/or bikeways for the City/CSD. Copies of said documentation shall be provided to PCS.
226. Applicable plan check and inspection fees shall be paid, per the approved City fee schedule.
227. The following plans require PCS written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to bikeways; trail improvement plans. PCS will not approve any permits without review and approval of the above items.