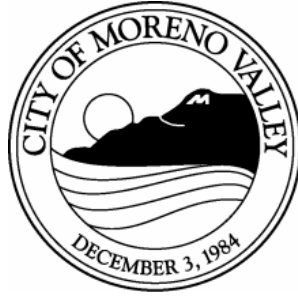

PLANNING COMMISSIONERS

PATRICIA KORZEC
Chairperson

ALVIN DEJOHNETTE
Vice Chairperson

JEFFREY SIMS
Commissioner



RAFAEL BRUGUERAS
Commissioner

OMAR COBIAN
Commissioner

MATTHEW CHEN
Commissioner

VACANT
Commissioner

PLANNING COMMISSION

Regular Meeting

Agenda

Thursday, March 24, 2022 at 7:00 PM
City Hall Council Chamber – 14177 Frederick Street

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS PROCEDURE

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

PUBLIC COMMENTS

CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and non-controversial, and may be enacted by one roll call vote. There will be no discussion of these items unless a member of the Planning Commission requests that an item be removed for separate action

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the ADA Coordinator, at 951.413.3350 at least 48 hours before the meeting. The 48 hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

NON-PUBLIC HEARING ITEMS

No items for discussion.

PUBLIC HEARING ITEMS

- 1. Case: PEN21-0105 (Master Plot Plan & Building A)
PEN21-0106 (Building B)
PEN21-0107 (Building C)
PEN21-0108 (Building D)
PEN21-0109 (Building E)
PEN21-0110 (Building F)
- Applicant: Phelan Development
- Property Owner: Multiple property owners
- Representative: Benjamin Northup
- Location: Eastside of Old 215 Frontage Road, south of Bay Avenue
(APN's 263-220-004, 008, 009, 017, 018, 023, 027, 028,
029, and 263-230-002)
- Case Planner: Luis Lopez, Contract Planner
- Council District: 1
- Proposal: The Applicant is requesting Plot Plan approval to allow
for the construction of six (6) new concrete tilt-up light
industrial buildings totaling 196,759 square feet.

OTHER COMMISSION BUSINESS

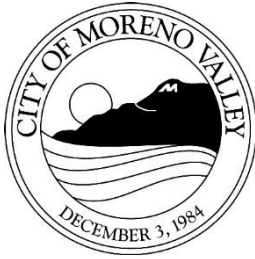
No items for discussion.

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

Planning Commission Regular Meeting, Thursday, April 14, 2022 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: March 24, 2022

MASTER PLOT PLAN (INCLUDING BUILDING A) AND FIVE (5) PLOT PLANS (BUILDINGS B THROUGH F) FOR SIX LIGHT INDUSTRIAL BUILDINGS TOTALING 196,759 SQUARE FEET

Case: PEN21-0105 (Master Plot Plan & Building A)
 PEN21-0106 (Building B)
 PEN21-0107 (Building C)
 PEN21-0108 (Building D)
 PEN21-0109 (Building E)
 PEN21-0110 (Building F)

Applicant: Phelan Development

Property Owner: Multiple property owners

Representative: Benjamin Northup

Location: Eastside of Old 215 Frontage Road, south of Bay Avenue (APN's 263-220-004, 008, 009, 017, 018, 023, 027, 028, 029, and 263-230-002)

Case Planner: Luis Lopez, Contract Planner

Council District: 1

Proposal: The Applicant is requesting Plot Plan approval to allow for the construction of six (6) new concrete tilt-up light industrial buildings totaling 196,759 square feet.

SUMMARY

Phelan Development Company, ("Applicant") requests approval to construct the Old 215 Light Industrial Business Park project. The 11.2-acre project site is located on the east side of Old 215 Frontage Road, approximately 300 feet south of Bay Avenue, and partially fronting on Bay Avenue in the Business Park (BP) District. The Project includes

a Master Plot Plan including Building A and five (5) Plot Plans for Buildings B through F to develop six (6) new concrete tilt-up light industrial buildings totaling 196,759 square feet.

PROJECT DESCRIPTION

The Applicant has submitted a Master Plot Plan and five Plot Plans for the proposed development as described below.

Master Plot Plan

The Master Plot Plan application is to develop the 11.2-acre project site for the proposed 196,759 square foot light industrial business park located on the east side of Old 215 Frontage Road, approximately 300 feet south of Bay Avenue, and partially fronting on Bay Avenue ("Project Site"). The proposed business park includes six building pads with associated onsite improvements, including parking, landscaping, and all required off-site improvements. Additionally, the Master Plot Plan consists of a one-story, concrete tilt-up, 49,981 square foot light industrial building (Building A). The building will include a 2,000 square foot office area. All onsite and off-site improvements are conditioned to be completed with the first building, including all common-area landscaping, fencing, and lighting.

The proposed project will require the demolition of an existing tire shop and the removal of a foundation of a single-family home. The American Legion building will remain, and a new parking lot will be constructed for the building.

Plot Plans

The five (5) Plot Plan applications are for Buildings B, C, D, E, and F; these one-story structures range from 23,251 square feet to 44,005 square feet. Each building will provide a 2,500 square foot office area. Further details for each building are provided in the table below.

Building	Office Space (SF)	Warehouse Space (SF)	Total Building Area (SF)
Building A	2,000	47,981	49,981
Building B	2,500	23,830	26,330
Building C	2,500	27,162	29,662
Building D	2,000	42,005	44,005
Building E	2,500	21,030	23,530
Building F	2,500	20,751	23,251

Site/Surrounding Area

The 11.2-acre Project Site will be assembled from 10 parcels currently owned by multiple owners and have frontage either on Old 215 Frontage Road or Bay Avenue. All 10 parcels will be consolidated to create a single parcel of land for the proposed development. The project Site consists of eight vacant parcels and two developed parcels that make up the Site. One parcel is improved with an existing auto repair/tire

shop (“P & B Tires”) located at 13906 Old 215 Frontage Road that will be removed as part of the Project. A second parcel is improved with the American Legion Building. The American Legion Building will be preserved and integrated into the Project Site with reciprocal access provided to the new parking areas from the new driveways. In addition, one parcel is improved with an existing foundation of a single-family home that will be removed as part of the Project.

The overall Site is generally located on the east side of Old 215 Frontage Road, approximately 300 feet south of Bay Avenue, and partially fronting on Bay Avenue at two locations. The surrounding area to the north of the Project Site includes existing single-family homes and commercial uses along Old 215 Frontage Road on properties zoned Business Park (BP) District; to the south and east, businesses and single-family homes are on properties zoned Business Flex (BF). The American Legion which is situated within the Business Park (BP) District will be enveloped by the Proposed Project, and newer light industrial buildings across the Old 215 Frontage Road, to the west, in the City of Riverside.

Access/Parking

Access to the Project Site will be from two driveways on Old 215 Frontage Road, one for trucks and one for automobiles, with an additional access driveway on Bay Avenue for emergency vehicles. The existing off-street parking area in front of the American Legion building will be eliminated as part of the Proposed Project. Access to the American Legion Building will be from the main driveway into the Project Site. Accordingly, a reciprocal access easement will be reserved for the benefit of the American Legion landowner. New off-street parking areas will be provided for the American Legion building along the north and east sides of the American Legion building, and overflow parking can be accommodated due to the shared nature of the new parking areas.

The Proposed Project will provide 223 parking spaces, including 12 Americans with Disabilities Act (ADA) compliant spaces. All buildings will provide loading dock doors in the rear portions of the building within a gated area. The Proposed Project will also provide a total of 23 trailer parking spaces, as required by the City’s Municipal Code for Warehousing uses (*1 truck parking stall per loading dock door*). These truck stalls will be located throughout the Project Site, adjacent to the buildings, and in gated trailer parking areas. A 14-foot tall decorative masonry/concrete screen wall will be provided around the truck parking stalls with 8-foot high gated entries within the Project Site.

The Proposed Project will also integrate parcels currently owned by the American Legion building (APNs 263-220-008, -027, -028, and -029) into the proposed development. The parcel where the American Legion Building is located and the parking area around that building will remain as a separate parcel. It will continue to be used for private club/public assembly uses. Access to the American Legion parking areas will be from the Project Site’s new driveways. Parking spaces for all the uses on the Project Site meet the minimum off-street parking requirements for the Proposed Project based on the City’s Municipal Code, as further shown below in the parking inventory (*includes warehousing/office uses and public assembly use for the American Legion building*):

Warehousing (1 space/1k sq. ft. for 1st 20k; 1 space/2k sq. ft. – 2nd 20k sq. ft.;
1 space/4k sq. ft. over 40k) = **122 spaces + 23 Truck Stalls**
Office (1 space/250 sq. ft.) = (14k/250 sf) = **56 spaces**
Public Assembly (1 space/ 35 sf of assembly area) = (1,200 sf/35 sf) = **34 spaces**
Total Parking Required = (122+56+34) = 212 spaces
Total Parking Provided = 223 spaces

Design/Landscaping

The proposed buildings are all concrete tilt-up buildings with a height of 36 to 41 feet. The buildings will have a parapet wall roof system and contemporary architectural design features with a combination of exterior materials, including concrete, corrugated metal accents, channel metal awnings/eyebrows, and glazing for windows and divided-light glass walls. The buildings will be painted white with dark and light gray accents with primary design focal points facing the development's internal circulation. Additionally, the layout of each building places the loading docks away from any street frontages and adjacent properties. The BP Zoning District includes a limitation on the maximum size of buildings to no more than 50,000 square feet to limit the aesthetic "massing" of larger (high-cube) warehouse buildings. Accordingly, the proposed warehouse buildings are each under 50,000 square feet of floor area.

The Proposed Project has been designed to meet and exceed the required design and landscape standards and objectives set forth in the City's Municipal Code. The landscape elements of the Proposed Project include the landscape setback areas along Old 215 Frontage Road, with enhanced landscaping along the same street frontage and surrounding all buildings. This includes removing the front parking area in front of the American Legion Building to be replaced with landscaping within the front setback areas and the street parkway area adjacent to the sidewalk. The plant palette will include a variety of street trees and onsite trees, accent plants, shrubs, and ground covers.

REVIEW PROCESS

The application for the Proposed Project was submitted on March 9, 2021. The Proposed Project has been reviewed by all appropriate City Departments and outside agencies, which are part of the standard review process for these types of development applications. The Proposed Project was reviewed by the Project Review Staff Committee as required by the Municipal Code. Following subsequent revisions and reviews by staff, the application for the Proposed Project was determined to be complete. Staff worked with the Applicant to finalize the plans to recommend approval of the Proposed Project, as designed and conditioned.

ENVIRONMENTAL

An Initial Study was prepared by EPD Solutions Inc., in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. When some of the Technical Studies were being prepared for the Proposed Project, the total building area of 197,005 square feet was used for analysis purposes. As a result of various changes to the final plan layout, the total building area has been reduced to 196,759 square feet.

As the proposed building area is only slightly less than that of the original analysis, revisions to the technical studies were not required as the impacts would be either the same or less due to reduced building size.

With the implementation of the proposed mitigation measures, the proposed project will not significantly affect the environment. The Initial Study examined the potential impacts of the Proposed Project. The Initial Study/Mitigated Negative Declaration (IS/MND) provides information supporting the finding that a Mitigated Negative Declaration serves as the appropriate CEQA documentation for the Proposed Project. Technical studies prepared in support of the IS/MND include the following: Air Quality, Energy, and Greenhouse Gas Impact Analysis, Health Risk Assessment, General Biological Assessment, and Western Riverside County MSHCP Consistency Analysis, Historical Resource Evaluation Report, Cultural Resources Assessment, Geotechnical Engineering Investigation, Phase I Paleontological Resources Assessment, Phase I Environmental Site Assessment, Limited Phase II Subsurface Investigation (13892 Old 215 Frontage Road), Limited Phase II Subsurface Investigation (13906 Old 215 Frontage Road), Preliminary Water Quality Management Plan, Preliminary Drainage Report, Noise Impact Analysis, and Traffic Impact Analysis. The electronic files for the IS/MND with appendices are attached to this staff report. Anyone wishing to view the documents can access them by downloading documents from the City's website or can download the documents from the State Clearinghouse – Governor's Office of Planning and Research (State Clearinghouse No. 2022020461).

Mitigation measures are recommended for the Proposed Project in the following areas: Cultural/Tribal Resources, Hazards and Hazardous Materials, and Noise, all of which are incorporated into the Mitigation Monitoring and Report Program. The measures for cultural resources have been included to address input from local Tribal governments. The measures are intended to ensure that potential resources that might be discovered are protected. However, these measures are not required to address a known significant impact. Based on the Initial Study and the proposed mitigation measures, the Proposed Project will not cause any significant impacts or environmental damage.

The public comment period for the Notice of Availability for the Initial Study/Mitigated Negative Declaration began on February 23, 2022, and ends on March 15, 2022, which satisfies the required 20-day review period. Two CEQA comment letters were received and are included as an attachment to this report.

NOTIFICATION

Consistent with the City Municipal Code provisions, public notice was sent to all property owners of record within 600' of the project site, posted on the project site, and published in the local newspaper. At the time of publishing the staff report a single public comment was received and is included as an attachment to this report. Should any additional comments regarding the Project be received prior to the Planning Commission, they will be provided at the public hearing.

REVIEW AGENCY COMMENTS

Staff routed the plans for the Proposed Project to all City Departments and outside agencies and has coordinated with those agencies expressing concern for the Project where applicable, in accordance with the standard review process for development applications. The following are agency comments concerning water infrastructure.

Water Infrastructure:

The Proposed Project's domestic water service is provided at the site by Box Springs Mutual Water Company (BSMWC). Development on the Project Site will require connecting to an existing 12-inch water main located along the Bay Avenue street right-of-way. During the Proposed Project's review process, it was discovered that this water line had insufficient water pressure to provide the required fire flow for the new buildings (i.e., for fire sprinklers, fire hydrants, etc.). Accordingly, the developer's engineers have identified two feasible options for providing adequate fire flow to the Project Site.

The first alternative requires upsizing the existing water main along Bay Avenue. This alternative would provide adequate fire flow, and BSMWC has provided a "will serve" letter for the Proposed Project.

The second alternative involves connecting to an existing water mainline on the west side of Old 215 Frontage Road and looping the water lines through the Project Site. This alternative would further provide the required fire flow and presents a second viable alternative. If this alternative is pursued, the developer would be required to obtain engineering approvals and permits from the Western Municipal Water District.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

A. That the Planning Commission **ADOPT** Resolution No. 2022-13, and thereby:

1. **CERTIFY** the Initial Study/Mitigated Negative Declaration prepared for the Proposed Project, consisting of Master Plot Plan (PEN21-0105), Plot Plan (PEN21-0106), Plot Plan (PEN21-0107), Plot Plan (PEN21-0108), Plot Plan (PEN21-0109), and Plot Plan (PEN21-0110), on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the proposed Project's potential environmental impacts, and adopting a Mitigated Negative Declaration; and
2. **APPROVE** the Mitigation Monitoring, and Reporting Program prepared for the Proposed Project, which consists of Master Plot Plan (PEN21-0105), Plot Plan (PEN21-0106), Plot Plan (PEN21-0107), Plot Plan (PEN21-0108), Plot Plan (PEN21-0109), and Plot Plan (PEN21-0110), pursuant to CEQA

and the CEQA Guidelines; based on the findings set forth and/or referenced in Resolution 2022-13.

B. That the Planning Commission **ADOPT** Resolution No. 2022-14, and thereby:

1. **APPROVE** Master Plot Plan (PEN21-0105), Master Plot Plan and Building A, based on the Recitals, Evidence contained in the Administrative Record and Findings as set forth in Resolution No. 2022-14;
2. **APPROVE** Plot Plan (PEN21-0106), Building B, based on the Recitals, Evidence contained in the Administrative Record, and Findings set forth in Resolution No. 2022-14;
3. **APPROVE** Plot Plan (PEN21-0107), Building C, based on the Recitals, Evidence contained in the Administrative Record, and Findings set forth in Resolution No. 2022-14;
4. **APPROVE** Plot Plan (PEN21-0108), Building D, based on the Recitals, Evidence contained in the Administrative Record, and Findings set forth in Resolution No. 2022-14;
5. **APPROVE** Plot Plan (PEN21-0109), Building E, based on the Recitals, Evidence contained in the Administrative Record, and Findings set forth in Resolution No. 2022-14; and
6. **APPROVE** Plot Plan (PEN21-0110), Building F, based on the Recitals, Evidence contained in the Administrative Record, and Findings set forth in Resolution No. 2022-14.

Prepared by:
Luis Lopez
Contract Planner - Civic Solution

Approved by:
Sean P Kelleher
Planning Division Manager

ATTACHMENTS

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

1. Resolution No. 2022-13 IS/MND
2. Exhibit A to Resolution No. 2022-13 - IS/MND
3. Appendix A - Air Quality, Energy, and Greenhouse Gas Impact Analysis
4. Appendix B - Health Risk Assessment
5. Appendix C - General Biological Assessment and Western Riverside County MSHCP Consistency Analysis
6. Appendix D - Historical Resource Evaluation Report
7. Appendix E - Cultural Resource Assessment

8. Appendix F - Geotechnical Engineering Investigation
9. Appendix G - Phase I Paleontological Resources Assessment
10. Appendix H - Phase I Environmental Site Assessment
11. Appendix I1 - Limited Phase II Subsurface Investigation (13892 Old 215 Frontage Road)
12. Appendix I2 - Limited Phase II Subsurface Investigation (13906 Old 215 Frontage Road)
13. Appendix J - Preliminary Water Quality Management Plan
14. Appendix K - Preliminary Drainage Report
15. Appendix L - Noise Impact Analysis
16. Appendix M - Traffic Impact Analysis
17. Exhibit B to Resolution No. 2022-13 - Notice of Intent to Adopt a MND
18. Exhibit C to Resolution No. 2022-13 - Mitigation Monitoring and Reporting Plan
19. Resolution No. 2022-14 for Master Plot Plan and Plot Plans
20. Project Plans
21. Zoning Map
22. CEQA Comment Letters
23. Public Comment Letter

RESOLUTION NUMBER 2022-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING A MITIGATED NEGATIVE DECLARATION AND APPROVING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OLD 215 LIGHT INDUSTRIAL BUSINESS PARK PROJECT LOCATED SOUTH AND EAST OF OLD 215 FRONTAGE ROAD AND BAY AVENUE (APN'S 263-220-004, 008, 009, 017, 018, 023, 027, 028, 029, AND 263-230-002)

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

WHEREAS, Phelan Development Company, (“Applicant”) is seeking approval for the development of the Old 215 Light Industrial Business Park project to construct six (6) new concrete tilt-up industrial warehouse buildings totaling 196,759 square feet and demolish an existing tire shop and foundation of a single family home on approximately 11.2 acres that includes a Master Plot Plan for Building A, and Plot Plans for Buildings B through F, with associated amenities and public improvements (“Proposed Project”) located south and east of Old 215 Frontage Road and Bay Avenue (APN’s 263-220-004, 008, 009, 017, 018, 023, 027, 028, 029, and 263-230-002) (“Project Site”); and

WHEREAS, Planning Division Staff completed an environmental assessment for the Proposed Project, and, based on the assessment, decided to prepare an Initial Study (“IS”) and Mitigated Negative Declaration (“MND”) in accordance with Section 6 (Negative Declaration Procedures) of the City’s Rules and Procedures for the Implementation of the California Environmental Quality Act (CEQA) and the requirements of the CEQA Guidelines Sections 15070 – 15075; and

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was duly noticed and circulated for public review for a period of 20 days commencing on February 23, 2022, through March 15, 2022; and

WHEREAS, in conformance with CEQA and the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (“MMRP”) that includes a program for reporting on and monitoring Proposed Project’s mitigation measures was prepared for the proposed Project and circulated with the Mitigated Negative Declaration; and

WHEREAS, on March 24, 2022 a hearing was conducted by the Planning Commission to consider and approve the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and approval of the Proposed Project at which time the Planning Commission considered the Initial Study, Mitigated Negative

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

Declaration, and the Mitigation Monitoring and Reporting Program, together with any comments received during the public review process and the responses prepared; and

WHEREAS, at the conclusion of the public hearing, in the exercise of its own independent judgment, the Planning Commission determined that the Mitigated Negative Declaration and the Mitigation Monitoring Plan would reduce the environmental impacts of the Proposed Project to levels of insignificance and that there is no substantial evidence supporting a fair argument that the Proposed Project will have a significant effect on the environment that would otherwise require the preparation of an environmental impact report.

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

Section 1. Recitals and Exhibits

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

Section 2. Evidence

That the Planning Commission has considered all of the evidence submitted into the Administrative Record for the Mitigated Negative Declaration and Mitigation Monitoring Plan, including, but not limited to, the following:

- (a) Mitigated Negative Declaration/Initial Study prepared for the proposed Project, attached hereto as Exhibit A;
- (b) Notice of Intent to Adopt a Mitigated Negative Declaration/Newspaper Notice, attached hereto as Exhibit B;
- (c) Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C;
- (d) Staff Report prepared for the Planning Commission's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearing; and
- (e) Testimony, comments and correspondence from all persons that were provided at, or prior to, the public hearing.

Section 3. Findings

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

- (a) That the City has independently reviewed, analyzed, and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and the whole record before it (including, the Initial Study and comments received) and, based on the foregoing, the Planning Commission hereby finds that all environmental impacts of the proposed Project, with mitigation measures, are below a level of significance and there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment;

- (b) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been completed in compliance with the CEQA and are consistent with the City's Rules and Procedures for the Implementation of the CEQA;
- (c) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program represent the independent judgement and analysis of the City as the lead agency for the proposed Project; and
- (d) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are adequate to serve as the required CEQA environmental documentation for the proposed Project.

Section 4. Adoption

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

Section 5. Repeal of Conflicting Provisions

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

Section 6. Severability

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

Section 7. Effective Date

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

Section 8. Certification

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

PASSED AND ADOPTED THIS 24th day of March, 2022.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Patricia Korzec, Chairperson

ATTEST:

Sean Kelleher, Planning Division Manager

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Exhibits:

- Exhibit A: Mitigated Negative Declaration/Initial Study
- Exhibit B: Notice of Intent to Adopt a Mitigated Negative Declaration
- Exhibit C: Mitigation Monitoring and Reporting Program

Exhibit B

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE
DECLARATION/NEWSPAPER NOTICE**

Attachment: Exhibit B to Resolution No. 2022-13 - Notice of Intent to Adopt a MND [Revision 1] (5742 : Master Plot Plan (including Building A))

CITY OF MORENO VALLEY
NOTICE OF AVAILABILITY AND INTENT
TO ADOPT A MITIGATED NEGATIVE DECLARATION (MND)

NOTICE IS HEREBY GIVEN that the City of Moreno Valley is considering a recommendation that the Project herein identified will have no significant environmental impact in compliance with Section 15070 of the CEQA guidelines. A copy of the **MITIGATED NEGATIVE DECLARATION** and **ENVIRONMENTAL CHECKLIST**, which support the proposed findings, are on file at the City of Moreno Valley.

Item: Old 215 Industrial Park Project - PEN21-0105 (Master Plot Plan and Building A) and PEN21-0106, PEN21-0107, PEN21-0108, PEN21-0109, and PEN21-0110 (Plot Plans for Buildings B through F)

Applicant: Phelan Industrial

Owner: Various Owners

APNs.: 263-220-004, -008, -009, -017, -018, -023, -027, -028, -029, and 263-230-002

Location: The Project is located on the east side of Old 215 Frontage Road and south of Bay Avenue. The Project abuts Bay Avenue at two locations, and varies in distance from Bay Avenue along the northerly boundary of the Project. At the intersection of the Old 215 Frontage Road and Bay Avenue, the Project is located approximately 300 feet to the south of Bay Avenue.

Proposal: Construction of a 197,055 square foot light industrial park consisting of six (6) concrete tilt-up buildings on 11.2 acres of partially-developed land.

Council District: 1

This Notice of Availability (NOA) has been prepared to notify agencies and interested parties that the City of Moreno Valley as the Lead Agency has prepared an Initial Study and Mitigated Negative Declaration pursuant to requirements of the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with construction and operation of the Old 215 Industrial Park Project as described below:

Project Description: The Project consists of proposed Plot Plans (PEN21-0105, PEN21-0106, PEN21-0107, PEN21-0108, PEN21-0109, and PEN21-0110) to allow demolition of one residence and a commercial building used as a tire shop, and to construct a new light industrial / business park with six (6) concrete tilt-up buildings. The American Legion building will remain and parking for the building is provided consistent with the City's parking requirements. The buildings will be one story structures ranging in size from 23,289 square feet to 49,994 square feet with warehousing use and related truck / loading dock areas. Each building will provide for a "future" office area ranging in size from 2,500 square feet to 4,000 square feet. The Project includes 223 off-street parking spaces and 22 trailer parking stalls throughout the site with common-area landscaping, fencing, and lighting. Off-site improvements include replacement of a section of the water main line within the Bay Avenue right-of-way. In addition, installation of onsite water lines will be installed that would either connect to a new, proposed 12-inch diameter water line in Bay Avenue, or connect to the recently installed, existing water main in Old 215 Frontage Road. The improvements will also include construction of road-widening and connecting/transition pavement, new curb and gutter, sidewalks and related improvements along all of the site frontage of Old 215 Frontage Road and Bay Avenue, including the American Legion property frontage.

Location: The Project site is located on the east side of Old 215 Frontage Road, approximately 300 feet south of Bay Avenue, but varies in distance from Bay Avenue easterly of the intersection. The Project is located in Moreno Valley, Riverside County, California (Assessor Parcel numbers (APNs)

263-220-004, -008, -009, -017, -018, -023, -027, -028, -029, and 263-230-002). The Project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Potential Environmental Impacts: The City of Moreno Valley has prepared an Initial Study to determine the environmental effects associated with the above actions and finds the issuance of a Mitigated Negative Declaration is the appropriate level of environmental review. The Initial Study/Mitigated Negative Declaration concludes that all potentially significant impacts of the Project would be mitigated to a less than significant level.

Public Review and Comment Deadline: Copies of the Initial Study/Mitigated Negative Declaration are available at City Hall - Planning Division at the address listed below. Pursuant to Section 15105(b) of the CEQA Guidelines, the City has established a 20-day public review period for the Initial Study/Negative Declaration, which begins February 23, 2022, and ends March 15, 2022. Written comments on the Initial Study/Mitigated Negative Declaration must be received at the City of Moreno Valley Community Development Department by no later than the conclusion of the 20-day review period, 5:30 pm on March 15, 2022. Written comments on the Initial Study/Mitigated Negative Declaration should be addressed to:

Luis Lopez, Contract Planner
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Phone: (951)413-3201
Email: LuisL@moval.org

Document Availability: The Initial Study/Mitigated Negative Declaration, and all documents incorporated and/or referenced therein, can be reviewed during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and Friday, 7:30 a.m. to 4:30 p.m.) at the City of Moreno Valley Planning Division counter, located at 14177 Frederick Street, Moreno Valley, CA 92553. The documents may also be reviewed at the Moreno Valley Library, located at 25480 Alessandro Boulevard, Moreno Valley, California.

/s/ Sean P. Kelleher	Press-Enterprise	February 23, 2022
Sean P. Kelleher	Newspaper	Date of Publication
Planning Official		
Community Development Department		

Exhibit C

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Monitoring and Reporting Program

Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Mitigated Negative Declaration has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Old 215 Industrial Business Park Project (Project). The City of Moreno Valley is the Lead Agency for the Project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Old 215 Industrial Business Park Project. The table identifies the Standard Conditions; Plan, Program, Policies (PPPs); and mitigation measures required by the City to mitigate or avoid significant adverse impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

This page intentionally left blank.

**TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM
OLD 215 INDUSTRIAL BUSINESS PARK PROJECT MND**

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AIR QUALITY			
<p>PPP AQ-1: Rule 403. All applicable measures included in Rule 403, shall be incorporated into Project plans and specifications as implementation of Rule 403, which include but are not limited to (1):</p> <ul style="list-style-type: none"> • All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. • There shall be no grading activities on more than 10 acres in any one day. • The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day. 	In Construction Plans and Specifications. Prior to Demolition, Grading and Building Permits	City of Moreno Valley Building and Safety Division	
<p>PPP AQ-2: Rule 1113. The following measures shall be incorporated into Project plans and specifications as implementation of SCAQMD Rule 1113 (2):</p> <ul style="list-style-type: none"> • Only “Low-Volatile Organic Compounds (VOC)” paints (no more than 50 gram/liter of VOC) consistent with SCAQMD Rule 1113 shall be used. 	In Construction Plans and Specifications. Prior to Grading and Building Permits	City of Moreno Valley Building and Safety Division	
BIOLOGICAL RESOURCES			
<p>MM BIO-1: Nesting Bird Survey. If site-preparation activities for the Project are proposed during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits for, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in</p>	In Construction Plans and Specifications. Prior to Demolition and Building Permits	City of Moreno Valley Planning Division	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>the construction zone. If active nests are not located within the implementing project site and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.</p>			
<p>MM BIO-2: Burrowing Owl Survey. A pre-construction survey for resident burrowing owls shall be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities to ensure that no owls have colonized the site in the days or weeks preceding Project activities. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey and any relocation activity shall be conducted in accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP.</p> <p>If active nests are identified on an implementing project site during the pre-construction survey, the nests shall be avoided, or the owls actively or passively relocated. To adequately avoid active nests, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31), and 160 feet during the non-breeding season.</p> <p>If burrowing owls occupy any implementing portion of the Project site and cannot be avoided, active or passive relocation shall be used to exclude owls from their burrows, as agreed to by the City of Moreno Valley Planning Department and the CDFW. Relocation shall be conducted outside the breeding season or once the young are able to leave the nest and fly. Passive relocation is the exclusion of owls from their burrows (outside the breeding season or once the young are able to leave the nest and fly) by installing one-</p>	<p>In Construction Plans and Specifications. Prior to Grading Permits</p>	<p>City of Moreno Valley Planning Division</p>	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>way doors in burrow entrances. These one-way doors allow the owl to exit the burrow, but not enter it. These doors shall be left in place 48 hours to ensure owls have left the burrow. Artificial burrows shall be provided nearby. The implementing Project area shall be monitored daily for one week to confirm owl use of burrows before excavating burrows in the impact area. Burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible pipe shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. The CDFW shall be consulted prior to any active relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation. If avoidance is infeasible, then a DBESP shall be required, including associated relocation of burrowing owls. If conservation is not required, then owl relocation shall still be required following accepted protocols. Take of active nests shall be avoided, so it is strongly recommended that any relocation occur outside of the nesting season.</p>			
CULTURAL RESOURCES			
<p>PPP CUL-1: Should human remains be discovered during project construction, the project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of notification by the NAHC.</p>	<p>In Construction Plans and Specifications. Prior to Grading Permits</p>	<p>City of Moreno Valley Planning Division</p>	

Attachment: Exhibit C to Resolution No. 2022-13 - Mitigation Monitoring and Reporting Plan [Revision 1]

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>MM CUL-1: Archaeological Monitoring. The applicant/Project developer shall retain a Secretary of Interior Standards qualified archaeologist to be present at pre-grade meetings and to perform archaeological monitoring for all initial ground disturbing activities. The archaeological monitor shall be present during the initial ground-disturbing activities for the first five feet to identify any known or suspected archaeological and/or cultural resource. The qualified archaeologist shall develop an Archaeological Monitoring and Treatment Plan to address the details, timing and responsibility of all archaeological and cultural resource activities that occur on the project site. The plan shall include a scope of work, project grading and development scheduling, a monitoring schedule during all ground related activities, safety requirements, and protocols to follow in the event of previously unknown cultural resources discoveries that could be subject to a cultural resources evaluation. The plan shall be submitted to the City for review and approval.</p> <p>In the event that cultural resources are inadvertently discovered during ground-disturbing activities, work must be halted within 50 feet of the find until it can be evaluated by a qualified archaeologist. Construction activities could continue in other areas. If the discovery proves to be significant, additional work, such as data recovery excavation or resource recovery, may be warranted and would be discussed in consultation with the appropriate regulatory agency(ies).</p>	<p>In Construction Plans and Specifications. Prior to Grading Permits.</p>	<p>City of Moreno Valley Planning Division</p>	
GEOLOGY AND SOILS			
<p>PPP GEO-1: California Building Code. The Project is required to comply with the California Building Code as included in the City’s Municipal Code Chapter 8.20 to preclude significant adverse effects associated with seismic hazards. California Building Code related and geologist and/or civil engineer specifications for the Project are required to be incorporated into grading plans and specifications as a condition of Project approval.</p>	<p>In Construction Plans and Specifications. Prior to Building Permits</p>	<p>City of Moreno Valley Building and Safety Division</p>	
<p>MM PAL-1: Paleontological Monitoring. Prior to the issuance of grading permits, the applicant shall provide a letter to the City of Moreno Valley Planning Department, or designee, from a professional paleontologist, stating that the paleontologist has been retained to provide services for the Project. The paleontologist shall develop a Paleontological Resources Impact</p>	<p>In Construction Plans and Specifications. Prior to Grading Permits</p>	<p>City of Moreno Valley Planning Division</p>	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite. The PRIMP shall be provided to the City for review and approval. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall also require paleontological monitoring for excavation below four feet below ground surface.</p> <p>In the event paleontological resources are encountered, ground disturbing activity within 50 feet of the area shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.</p> <p>Criteria for discard of specific fossil specimens shall be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage, and treatment shall be done at the Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.</p>			

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
HAZARDS AND HAZARDOUS MATERIALS			
<p>PPP HAZ-1: SCAQMD Rule 1403. Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the Project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.</p>	<p>In Construction Plans and Specifications. Prior to Demolition Permits</p>	<p>City of Moreno Valley Building and Safety Division</p>	
<p>PPP HAZ-2: Lead. Prior to issuance of demolition permits, the Project applicant shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.</p>	<p>In Construction Plans and Specifications. Prior to Demolition Permits</p>	<p>City of Moreno Valley Building and Safety Division</p>	
<p>PPP HAZ-3: California UST Regulations. Underground storage tank (UST) repairs and/or removals will be conducted in accordance with the California UST Regulations (Title 23, Chapter 16 of the California Code of Regulations). Any unauthorized release of hazardous materials will require release reporting, initial abatement, and corrective actions that will be completed with oversight from the Regional Water Quality Control Board, Department of Toxic Substances Control, Riverside County Environmental Health Division, South Coast Air Quality Management District, and/or other regulatory agencies, as necessary. Use of existing USTs will also have to be conducted (i.e., used, maintained and monitored) in accordance with the California UST Regulations (Title 23, Chapter 16 of the California Code of Regulations).</p>	<p>In Construction Plans and Specifications. Prior to Demolition Permits</p>	<p>City of Moreno Valley Building and Safety Division</p>	

Attachment: Exhibit C to Resolution No. 2022-13 - Mitigation Monitoring and Reporting Plan [Revision 1]

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>PPP HAZ-4: Environmental Best Management Practices. In the unlikely event that construction, grading or demolition activities reveal an unexpected feature or impacted site media on the project, corresponding management of the feature will be performed at the expense of the applicant with the support of a licensed and qualified environmental consultant and in accordance with existing and under the oversight of the appropriate state or local agency, such as the Regional Water Quality Control Board, Department of Toxic Substances Control, Riverside County Environmental Health Division, South Coast Air Quality Management District, and/or other regulatory agencies, as necessary.</p>	<p>In Construction Plans and Specifications. Prior to Demolition Permits</p>	<p>City of Moreno Valley Building and Safety Division</p>	
<p>MM HAZ-1: Hydraulic Lift Abandonment. Per the recommendations of the Phase I ESA, during Project demolition activities, the Project Applicant will remove the existing onsite hydraulic lift and over-excavate soil local to the hydraulic lift. The Project would dispose of the removed materials consistent with local waste regulations and pursuant to 40 Code of Federal Regulations 761.</p>	<p>In Construction Plans and Specifications. Prior to Demolition Permits</p>	<p>In Construction Plans and Specifications. Prior to Demolition Permits</p>	
HYDROLOGY AND WATER QUALITY			
<p>PPP WQ-1: Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a QSD (Qualified SWPPP Developer) pursuant to the Municipal Code Section 8.21.170. The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to comply with the National Pollutant Discharge Elimination System (NPDES) requirements to limit the potential of polluted runoff during construction activities. Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the construction site by City of Redlands staff or its designee to confirm compliance.</p>	<p>In Construction Plans and Specifications. Prior to Demolition, Grading, and Building Permits</p>	<p>City of Moreno Valley Building and Safety Division</p>	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
NOISE			
<p>MM NOI-1: The Project applicant shall require that all construction contractors restrict the operation of any large bulldozers that is powered by a greater than 150 horsepower engine from operating within 20 feet of any off-site residential structure. The Project applicant shall require the use of a small bulldozer (i.e., D1, D2, or D3 dozers) or other type of equipment that is less than 150 horsepower to perform all grading activities that are located within 20 feet of any off-site residential structure.</p>	<p>In Construction Plans and Specifications. Prior to Demolition, Grading, and Building Permits</p>	<p>City of Moreno Valley Building and Safety Division</p>	
TRIBAL CULTURAL RESOURCES			
<p>MM TCR-1: Archaeological Monitoring. Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist, as discussed in MM CUL-1, to conduct monitoring of all mass grading and trenching activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s) including Pechanga Band of Luiseño Indians and Soboba Band of Luiseño Indians, the contractor, and the City, shall develop a CRMP as defined in TCR-3. The Project archeologist shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The archaeological monitor shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed.</p>	<p>Prior to Grading Permits.</p>	<p>City of Moreno Valley Planning Division</p>	
<p>MM TCR-2: Native American Monitoring. Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians and Soboba Band of Luiseño Indians for tribal monitoring. The City is also required to provide a minimum of 30 days' advance notice to the tribes of all mass grading and trenching activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal</p>	<p>Prior to Grading Permits.</p>	<p>City of Moreno Valley Planning Division</p>	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.			
<p>MM TCR-3: Cultural Resource Monitoring Plan (CRMP). The Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a CRMP in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting Tribe is defined as a Tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:</p> <ul style="list-style-type: none"> a) Project description and location; b) Project grading and development scheduling; c) Roles and responsibilities of individuals on the Project; d) The pre-grading meeting and Cultural Resources Worker Sensitivity Training details; e) The protocols and stipulations that the contractor, City, Consulting Tribe(s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. f) The type of recordation needed for inadvertent finds and the stipulations of recordation of sacred items. g) Contact information of relevant individuals for the Project. 	Prior to Grading Permits.	City of Moreno Valley Planning Division	
<p>MM TCR-4: Cultural Resource Disposition. In the event that Native American cultural resources are discovered during the course of grading and earth moving activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <ul style="list-style-type: none"> a) One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department: 	In Construction Plans and Specifications. Prior to Demolition and Grading	City of Moreno Valley Planning Division	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources.</p> <p>ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure CR-1. This shall include measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed. No recordation of sacred items is permitted without the written consent of all Consulting Native American Tribal Governments as defined in TCR-3 The location for the future reburial area shall be identified on a confidential exhibit on file with the City, and concurred to by the Consulting Native American Tribal Governments prior to certification of the environmental document.</p>			
<p>MM TCR 5: The City shall verify that the following note is included on the Grading Plan:</p> <p>"If any suspected archaeological resources are discovered during ground – disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find."</p>	<p>In Construction Plans and Specifications. Prior to Demolition and Grading</p>	<p>City of Moreno Valley Planning Division</p>	
<p>MM TCR 6: Inadvertent Finds. If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further</p>	<p>In Construction Plans and Specifications. During Demolition, Excavation, and Grading</p>	<p>City of Moreno Valley Planning Division</p>	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional archeologist and Tribal Monitors, if needed. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all Consulting Native American Tribes as defined in MM TCR-2 before any further work commences in the affected area. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p>			
<p>MM TCR 7: Human Remains. If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the “most likely descendant”. The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).</p>	<p>In Construction Plans and Specifications. During Demolition, Excavation, and Grading</p>	<p>City of Moreno Valley Planning Division</p>	
<p>MM TCR 8: Non-Disclosure of Reburial Locations. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related</p>	<p>In Construction Plans and Specifications. During Demolition, Excavation, and Grading</p>	<p>City of Moreno Valley Planning Division</p>	

Standard Condition/ Plan, Program, Policy / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).			
<p>MM TCR 9: Archeology Report - Phase III and IV. Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).</p>	<p>In Construction Plans and Specifications. Prior to final inspection.</p>	<p>City of Moreno Valley Planning Division</p>	
UTILITIES AND SERVICE SYSTEMS			
<p>Mitigation Measure UT-1: Prior to the issuance of grading permits, the Project Applicant/Developer shall provide the City of Moreno Valley with documentation approved by one of the water purveyors serving the project area, either Box Springs Mutual Water Company or Western Municipal Water District, as well as approval from the Moreno Valley Fire Department, demonstrating that the water system is capable of delivering the required fire flow of 20 PSI, or whatever flow meets Fire Department standards at the time of construction, and multiple points of connection.</p>	<p>In Construction Plans and Specifications. Prior to the issuance of grading permits.</p>	<p>City of Moreno Valley Planning Division</p>	

RESOLUTION NUMBER 2022-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING MASTER PLOT PLAN (PEN21-0105) WHICH INCLUDES BUILDING A, PLOT PLAN (PEN21-0106) FOR BUILDING B, PLOT PLAN (PEN21-0107) FOR BUILDING C, PLOT PLAN (PEN21-0108) FOR BUILDING D; PLOT PLAN (PEN21-0109) FOR BUILDING E; AND PLOT PLAN (PEN21-0110) FOR BUILDING F SITUATED WITHIN THE OLD 215 FRONTAGE ROAD LIGHT INDUSTRIAL BUSINESS PARK FOR CONSTRUCTION OF SIX NEW CONCRETE TILT-UP WAREHOUSE/DISTRIBUTION BUILDINGS TOTALING 196,759 SQUARE FEET LOCATED SOUTH AND EAST OF OLD 215 FRONTAGE ROAD AND BAY AVENUE (APN'S 263-220-004, 008, 009, 017, 018, 023, 027, 028, 029, AND 263-230-002)

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

WHEREAS, Phelan Development Company ("Applicant"), is requesting approval of the following: 1) Master Plot Plan (PEN21-0105) which includes Building A; 2) Plot Plan (PEN21-0106) for Building B; 3) Plot Plan (PEN21-0107) for Building C; 4) Plot Plan (PEN21-0108) for Building D; 5) Plot Plan (PEN21-0109) for Building E; and 6) Plot Plan (PEN21-0110) for Building F ("Applications") to construct six (6) new concrete tilt-up warehouse/distribution buildings totaling 196,759 square feet ("Proposed Project") on land situated within the Old 215 Frontage Road Light Industrial Business Park located on the east side of Old 215 Frontage Road, approximately 300 feet south of Bay Avenue, and partially fronting on Bay Avenue. ("Project Site"); and

WHEREAS, the Proposed Project's buildings will be one story structures ranging in size from 23,251 square feet to 49,981 square feet which will be used for warehousing and include related truck and loading dock areas and each building will include offices ranging in size from 2,000 square feet to 4,000 square feet; and

WHEREAS, the Proposed Project will include 223 off-street parking spaces and 23 trailer parking stalls throughout the Project Site, with common-area landscaping, fencing, and lighting, with access to the Project Site being provided from two separate driveways along Old 215 Frontage Road; and

WHEREAS, the American Legion building, which is located on the Project Site, will remain and parking for the American Legion will meet the City's parking requirements; and

WHEREAS, Section 9.02.070 (Plot Plan) of the Moreno Valley Municipal Code acknowledges that the purpose of plot plans is to provide a mechanism by which all new construction of industrial, commercial or multiple-family residential can be reviewed when not subject to other discretionary review processes which have review authority over project design; and

WHEREAS, the Applications have been evaluated in accordance with Section 9.02.070 (Plot Plan) of the Municipal Code with consideration given to the City's General Plan, Zoning Ordinance, and other applicable laws and regulations; and

WHEREAS, Section 9.02.070 of the Municipal Code imposes conditions of approval upon projects for which a plot plan is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the site is used and any other conditions as may be deemed necessary to protect the public health, safety and welfare and ensure that the proposed Project will be developed in accordance with the purpose and intent of Title 9 ("Planning and Zoning") of the Municipal Code; and

WHEREAS, Staff has presented for the Planning Commission's consideration Conditions of Approval to be imposed upon each Plot Plan, which conditions have been deemed necessary to protect the public health, safety and welfare and ensure that the proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code section 65905, a public hearing was scheduled for March 24, 2022, and notice thereof was duly published and posted, and mailed to all property owners of record within 600 feet of the Project Site; and

WHEREAS, on March 24, 2022, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission at which time all interested persons were provided with an opportunity to testify and to present evidence; and

WHEREAS, consistent with the requirements of Section 9.02.070 (Plot Plan) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon the Proposed Project, which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety and welfare and to ensure the Proposed Project will be developed in accordance with the purpose and intent of Title 9 ("Planning and Zoning") of the Municipal Code; and

WHEREAS, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.070 of the Municipal Code and set forth herein could be made with respect to the Proposed Project as conditioned by Conditions of Approval, attached hereto as Exhibit A; and

WHEREAS, on March 24, 2022, in accordance with the provisions of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines,² the Planning Commission

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

considered and approved Resolution 2022-13 certifying a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Proposed Project.

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

Section 1. Recitals and Exhibits

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

Section 2. Notice

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

Section 3. Evidence

That the Planning Commission 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) Master Plot Plan (PEN21-0105) which includes Building A; 2) Plot Plan (PEN21-0106) for Building B; 3) Plot Plan (PEN21-0107) for Building C; 4) Plot Plan (PEN21-0108) for Building D; 5) Plot Plan (PEN21-0109) for Building E; and 6) Plot Plan (PEN21-0110) for Building F and all documents, records and references contained therein;
- (d) Conditions of Approval for 1) Master Plot Plan (PEN21-0105) which includes Building A; 2) Plot Plan (PEN21-0106) for Building B; 3) Plot Plan (PEN21-0107) for Building C; 4) Plot Plan (PEN21-0108) for Building D; 5) Plot Plan (PEN21-0109) for Building E; and 6) Plot Plan (PEN21-0110) for Building F, attached hereto as Exhibit A;
- (e) Staff Report prepared for the Planning Commission's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearing;
- (f) Testimony and/or comments from Applicant and its representatives during the public hearing; and
- (g) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the public hearing.

Section 4. Findings

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission makes the following findings in approving the Proposed Project, which consist of 1) Master Plot Plan (PEN21-0105) which includes Building A; 2) Plot Plan (PEN21-0106) for Building B; 3) Plot Plan (PEN21-0107) for Building C; 4) Plot Plan (PEN21-0108) for Building D; 5) Plot Plan (PEN21-0109) for Building E; and 6) Plot Plan (PEN21-0110) for Building F:

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

Section 5. Approval

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings set forth above, the Planning Commission hereby recommends approves the Proposed Project, which includes the approval of 1) Master Plot Plan (PEN21-0105) which includes Building A; 2) Plot Plan (PEN21-0106) for Building B; 3) Plot Plan (PEN21-0107) for Building C; 4) Plot Plan (PEN21-0108) for Building D; 5) Plot Plan (PEN21-0109) for Building E; and 6) Plot Plan (PEN21-0110) for Building F, subject to the Conditions of Approval, attached hereto as Exhibits A through F.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

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

Section 8. Effective Date

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

Section 9. Certification

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

PASSED AND ADOPTED THIS 24th day of March, 2022.

CITY OF MORENO VALLEY
PLANNING COMMISSION

Patricia Korzec, Chairperson

ATTEST:

Sean Kelleher, Planning Division Manager

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Exhibits:

- Exhibit A: Conditions of Approval for Master Plot Plan (PEN21-0105) including Building A
- Exhibit B: Conditions of Approval for Plot Plan (PEN21-0106) for Building B
- Exhibit C: Conditions of Approval for Plot Plan (PEN21-0107) for Building C
- Exhibit D: Conditions of Approval for Plot Plan (PEN21-0108) for Building D
- Exhibit E: Conditions of Approval for Plot Plan (PEN21-0109) for Building E
- Exhibit F: Conditions of Approval for Plot Plan (PEN21-0110) for Building F

Attachment: Resolution No. 2022-14 for Master Plot Plan and Plot Plans [Revision 5] (5742 : Master Plot Plan (including Building A) and five

EXHIBIT A

CONDITIONS OF APPROVAL

Master Plot Plan (PEN21-0105) including Building A

Attachment: Resolution No. 2022-14 for Master Plot Plan and Plot Plans [Revision 5] (5742 : Master Plot Plan (including Building A) and five

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Master Plot Plan (PEN21-0105)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. The Master Plot Plan for the Old 215 Frontage Industrial Business Park includes Buildings A through F for a total of no more than 196,759 square feet on 11.2-acres. This approval also includes Building A (49,981 square foot). 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. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 2

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The required parking for this use shall comply with the Parking Analysis on file and all applicable requirements of the City of Moreno Valley Municipal Code (MC 9.11.040).
8. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
11. 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)

Special Conditions

12. Prior to issuance of any building permits, the developer or successor in interest shall record a reciprocal access and parking easement over the subject property, for the benefit of the American Legion building property landowner. The scope of the easement shall include access to a minimum of 34 parking spaces adjacent to Buildings A and D.
13. Prior to issuance of grading permits, the developer or successor in interest shall file a lot merger/lot line adjustment to consolidate the subject site to be developed, into one contiguous parcel. The lot line adjustment/lot merger shall be recorded prior to issuance of building permits.
14. Prior to issuance of grading permits, the developer or successor in interest shall submit plans and obtain approvals for 14-foot high walls along the interior property lines adjacent to the emergency vehicle driveway fronting on Bay Avenue. The wall shall be stepped down in height to 36-inches within the 20-foot front setback along Bay Avenue.
15. Prior to mobilization on the property for grading activities, the developer shall obtain demolition permits for the foundation of the single family residence located at 21793 Bay Avenue and for the existing auto repair/tire shop located at 13906 Old 215 Frontage Road. The developer shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the Project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. The developer shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint, pursuant to Cal-OSHA regulations.

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 3

16. Notwithstanding the minimum improvement requirements for an emergency vehicular access road, the proposed 26-foot wide emergency vehicle access driveway along Bay Avenue shall be paved with asphalt or concrete, subject to review and approval by the Planning Official and City Engineer.
17. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. The plans shall be prepared in accordance with the City's Landscape Requirements to include a drought tolerant palette. (MVMC 9.17)
18. 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)
19. Photometric Plans shall be submitted to the Building and Safety Division for review and approval as part of the lighting and electrical building plan submittal.
20. 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.

Prior to Grading Permit

21. 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.
22. Prior to issuance of grading permits, the developer shall submit wall /fence plans to the Planning Division for review and approval as follows:
 - a. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - c. Proposed screening walls for truck loading areas and required loading docks shall also include decorative block walls with pilasters with a height up to fourteen (14) feet to fully screen trucks (industrial and some situations with commercial uses).
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
23. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 4

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
24. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
 25. Prior to issuance of any grading permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the grading plans.
 26. 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)
 27. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

Prior to Building Permit

28. Prior to issuance of any building permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the building plans.
29. 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)
30. 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)
31. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
32. 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.
33. 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.

Building Division

34. 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.

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 5

35. Prior to submittal, all new development is required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
36. Contact the Building Safety Division for permit application submittal requirements.
37. The proposed project will be subject to approval by the Box Springs Mutual Water Company and all applicable fees and charges shall be paid prior to permit issuance. Contact the water company at 951.653.6419 for specific details.
38. 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 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
39. 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.
40. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
41. 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.
42. 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.
43. 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).
44. 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.
45. 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)
46. The proposed project is subject to approval by the Edgemont Community Services District and all applicable fees and charges shall be paid prior to permit issuance. Contact the Edgemont Community at (951)784-2632 for specific details.

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 6

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

47. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
48. 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.
49. New Moreno Valley businesses are encouraged to hire local residents.
50. 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.
51. 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**

52. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
53. 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)
54. 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)
55. 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)
56. 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)
57. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 7

58. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
59. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
60. 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.
61. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
62. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
63. 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])
64. 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])
65. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
66. 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)
67. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 8

- 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
68. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 69. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
 70. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
 71. 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)
 72. 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)
 73. Prior to rough grading permits being issued, all off-site public water improvement plans shall fully installed and new fire flow test completed to verify the required fire flow of 2500 GPMs for a duration of 2HRs with a minimum residual pressure of 20 PSI.
 74. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 75. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 76. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
 77. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and /or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
 78. 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.

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 9

FINANCIAL & MANAGEMENT SERVICES DEPARTMENTMoreno Valley Utility

79. 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.
80. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

PUBLIC WORKS DEPARTMENTLand Development

81. 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.
82. The developer shall comply with all applicable City ordinances and resolutions including the

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 10

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]

83. 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.
84. 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.

85. 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.
86. 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]
87. 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)]
88. 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]
89. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 11

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.

90. 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.
91. 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.
92. 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. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - b. Precise grading w/ erosion control plan (prior to building permit issuance);
 - c. Public Improvement Plan (e.g., street/storm drain w/ striping, RCFC storm drain, sewer/water, etc.)> (prior to encroachment permit issuance);
 - d. Final drainage study (prior to grading plan approval);
 - e. Final WQMP (prior to grading plan approval);
 - f. Legal documents (e.g., easement(s), dedication(s), lot line adjustment, vacation, etc.) (prior to building permit issuance);
 - g. As-Built revision for all plans (prior to Occupancy release);

Prior to Grading Plan Approval

93. Resolution of all drainage issues shall be as approved by the City Engineer.
94. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
95. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
96. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
 - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 12

- Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
97. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of <TYPE OF BMP>. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.
 - b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. <The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3>.
 - c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.
 - d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
 - e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.
 - f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.
 - g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.
98. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
 - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
99. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
100. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 13

guidance document for the Santa Ana region of Riverside County.

101. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
102. The developer shall pay all remaining plan check fees.
103. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
104. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
105. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

106. 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)]
107. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and /or public utility easements as may be relevant to the project.
108. 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.
109. The developer shall pay current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]
110. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.
111. 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)]
112. 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]
113. The developer shall pay all applicable inspection fees.
114. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 14

Prior to Improvement Plan Approval

115. 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.
116. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
117. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
118. 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.
119. 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.
120. 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]
121. 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.
122. 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 23 feet for Old 215 Frontage Rd. and half-street width plus 18 feet for Bay Ave., 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.
123. 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.
124. 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.
125. 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

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 15

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

126. A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
127. All applicable inspection fees shall be paid.
128. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]
129. 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.
130. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

131. 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.
132. For non-subdivision projects, 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.
133. For non-subdivision projects, the developer shall guarantee the completion of all related public improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
134. For non-subdivision projects, 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.
135. 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.
136. 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.
137. 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

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 16

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.

138. 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.

Prior to Occupancy

139. All outstanding fees shall be paid.
140. 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.
141. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
142. 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]
143. 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.
144. 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).

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 17

- 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.
145. 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

146. Developer shall construct a raised, landscaped median on Old 215 Frontage Road per City Standard No. MVSI-103A-0, its details to the satisfaction of the City Engineer, from Bay Avenue to Alessandro Boulevard. The raised, landscaped median shall be included in the Street Improvement Plans as well as a separate Landscape Median Plan for the City's review and approval. An encroachment from the City of Riverside will be required for the westerly half of the median located outside of the City of Moreno Valley's city limits. If there are jurisdictional delays which jeopardizes the developer's good faith efforts to complete construction of the raised landscaped median, the City and developer shall agree upon a means of security to ensure completion of the median prior to issuance of certificate of occupancy.
147. As a result of constructing a BSMWC 12 inch waterline approximately 10 linear feet north of centerline on Bay Avenue, Developer shall repair the existing approximately 12 linear feet of existing pavement north of centerline from the east right of way of Old 215 Frontage Rd. to approximately 300 linear feet east of the project boundary, approximately 535 linear feet, per City Standard Plan MVSI-132E-1. Developer shall also provide a slurry seal coat over the north and south lanes of Bay Avenue from centerline of Edgemont Street to the east boundary.

Special Districts Division

148. CFD 2014-01. If a landscape median is required and prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Landscape Maintenance Services for public parkway, traffic circle, open space, and /or median landscaping on Old 215 Frontage Road.

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

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 18

consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

149. NPDES Funding. Prior to applying for the 1st Building Permit and if the Land Development Division requires this project to provide a funding source for the City's National Pollutant Discharge Elimination System (NPDES) program, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the balloting/annexation fee or fund an endowment) to provide an ongoing funding source for the NPDES program. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful special election process into the NPDES program, or other special financing district, and payment of all costs associated with the special election process. Participation in the NPDES program requires an annual payment of the annual special tax, assessment, rate 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 City Council action to consider the ballot/annexation into or formation of the district, the qualified elector(s) will not protest the ballot/annexation or formation, but will retain the right to object to any eventual tax/assessment/rate/fee that is not equitable should the financial burden of the tax/assessment/rate/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. (MC 3.50.050). Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.
150. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 19

means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

151. **Public Safety Funding.** Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

152. If a landscape median is required, parkway, open space, traffic circle, and /or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
153. **Maintenance Period.** If a landscape median is required, then the Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 20

- Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
154. ECSD Street Light Acknowledgement. Prior to the 1st Certificate of Occupancy, the Developer must submit an acknowledgement from Edgemont Community Services District confirming it has accepted all street lights required to be installed by this project into its system for ongoing maintenance. Said acknowledgement must be emailed to SDAdmin@moval.org. ECSD can be reached at 951.784.2411, P.O. Box 5436, Riverside, CA 92514.
 155. Independent Utilities. If a landscape median is required, parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
 156. Landscape Inspection Fees. If a landscape median is required, inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre -construction meeting. (MC 3.32.040)
 157. Landscape Guidelines. If a landscape median is required, plans for parkway, median, slope, traffic circle, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
 158. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
 159. Landscape Plan Check Fees. If a landscape median is required, plan check fees for review of parkway/median, open space, and/or traffic circle landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
 160. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 21

proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

161. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

162. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
163. All project driveways shall conform to City of Moreno Valley Standard Plans No. MVS1-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be allowed as follows:
- Old 215 Frontage Road driveways: right-turn in/out only. Access restriction shall be accomplished with the construction of a raised median on Old 215 Frontage Road.
 - Bay Avenue driveway: emergency vehicles only.
164. Any gated entrance shall be provided with the following:
- A storage lane with a minimum of 75 feet queuing length for entering traffic.
 - Signing and striping
 - A separate pedestrian entry.

All of these features must be kept in working order.

CONDITIONS OF APPROVAL

Master Plot Plan and Plot Plan for Building A (PEN21-0105)

Page 22

165. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
166. Old 215 Frontage Road is designated as a 4-Lane Divided Arterial (110'RW/86'CC) per City Standard Plan No. MVS1-103A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement north and south of the project site.
167. Bay Avenue is designated as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. MVS1-106A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement east and west of the project site.
168. Prior to final approval of any grading, landscape, monument sign, or street improvement plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVS1-164A, B, C-0.
169. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets along the project frontages. 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.
170. 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 concrete median on Old 215 Frontage Road along the project frontage.
171. 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 Traffic Engineer.
172. Prior to issuance of Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
173. Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.
174. Prior to issuance of Certificate of Occupancy, raised median improvement on Old 215 Frontage Road along the project frontage shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer. Median construction shall include but not be limited to: paving, concrete curbs, signing/striping, and landscaping. Exact requirements will be determined during the plan check process.

EXHIBIT B
CONDITIONS OF APPROVAL
Plot Plan (PEN21-0106) for Building B

Attachment: Resolution No. 2022-14 for Master Plot Plan and Plot Plans [Revision 5] (5742 : Master Plot Plan (including Building A) and five

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan for Building B (PEN21-0106)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. This approval is for Building B (26,330 square feet) of the Old 215 Frontage Industrial Business Park. It is one of six buildings included on the Master Plot Plan (PEN21-0105) for the Business Park. 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. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 2

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The required parking for this use shall comply with the Parking Analysis on file and all applicable requirements of the City of Moreno Valley Municipal Code (MC 9.11.040).
8. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
11. 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)

Special Conditions

12. Prior to issuance of any building permits, the developer or successor in interest shall record a reciprocal access and parking easement over the subject property, for the benefit of the American Legion building property landowner. The scope of the easement shall include access to a minimum of 34 parking spaces adjacent to Buildings A and D.
13. Prior to issuance of grading permits, the developer or successor in interest shall file a lot merger/lot line adjustment to consolidate the subject site to be developed, into one contiguous parcel. The lot line adjustment/lot merger shall be recorded prior to issuance of building permits.
14. Prior to issuance of grading permits, the developer or successor in interest shall submit plans and obtain approvals for 14-foot high walls along the interior property lines adjacent to the emergency vehicle driveway fronting on Bay Avenue. The wall shall be stepped down in height to 36-inches within the 20-foot front setback along Bay Avenue.
15. Prior to mobilization on the property for grading activities, the developer shall obtain demolition permits for the foundation of the single family residence located at 21793 Bay Avenue and for the existing auto repair/tire shop located at 13906 Old 215 Frontage Road. The developer shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the Project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. The developer shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint, pursuant to Cal-OSHA regulations.

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 3

16. Notwithstanding the minimum improvement requirements for an emergency vehicular access road, the proposed 26-foot wide emergency vehicle access driveway along Bay Avenue shall be paved with asphalt or concrete, subject to review and approval by the Planning Official and City Engineer.
17. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. The plans shall be prepared in accordance with the City's Landscape Requirements to include a drought tolerant palette. (MVMC 9.17)
18. 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)
19. Photometric Plans shall be submitted to the Building and Safety Division for review and approval as part of the lighting and electrical building plan submittal.
20. 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.

Prior to Grading Permit

21. 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.
22. Prior to issuance of grading permits, the developer shall submit wall /fence plans to the Planning Division for review and approval as follows:
 - a. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - c. Proposed screening walls for truck loading areas and required loading docks shall also include decorative block walls with pilasters with a height up to fourteen (14) feet to fully screen trucks (industrial and some situations with commercial uses).
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
23. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 4

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
24. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
25. Prior to issuance of any grading permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the grading plans.
26. 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)
27. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

Prior to Building Permit

28. Prior to issuance of any building permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the building plans.
29. 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)
30. 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)
31. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
32. 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.
33. 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.

Building Division

34. 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.

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 5

35. Prior to submittal, all new development is required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
36. Contact the Building Safety Division for permit application submittal requirements.
37. The proposed project will be subject to approval by the Box Springs Mutual Water Company and all applicable fees and charges shall be paid prior to permit issuance. Contact the water company at 951.653.6419 for specific details.
38. 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 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
39. 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.
40. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
41. 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.
42. 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.
43. 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).
44. 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.
45. 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)
46. The proposed project is subject to approval by the Edgemont Community Services District and all applicable fees and charges shall be paid prior to permit issuance. Contact the Edgemont Community at (951)784-2632 for specific details.

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 6

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

47. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
48. 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.
49. New Moreno Valley businesses are encouraged to hire local residents.
50. 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.
51. 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**

52. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
53. 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)
54. 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)
55. 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)
56. 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)
57. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 7

58. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
59. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
60. 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.
61. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
62. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
63. 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])
64. 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])
65. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
66. 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)
67. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 8

- 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
68. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 69. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
 70. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
 71. 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)
 72. 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)
 73. Prior to rough grading permits being issued, all off-site public water improvement plans shall fully installed and new fire flow test completed to verify the required fire flow of 2500 GPMs for a duration of 2HRs with a minimum residual pressure of 20 PSI.
 74. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 75. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 76. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
 77. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and /or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
 78. 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.

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 9

FINANCIAL & MANAGEMENT SERVICES DEPARTMENTMoreno Valley Utility

79. 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.
80. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

PUBLIC WORKS DEPARTMENTLand Development

81. 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.
82. The developer shall comply with all applicable City ordinances and resolutions including the

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 10

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]

83. 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.
84. 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.

85. 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.
86. 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]
87. 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)]
88. 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]
89. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 11

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.

90. 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.
91. 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.
92. 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. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - b. Precise grading w/ erosion control plan (prior to building permit issuance);
 - c. Public Improvement Plan (e.g., street/storm drain w/ striping, RCFC storm drain, sewer/water, etc.)> (prior to encroachment permit issuance);
 - d. Final drainage study (prior to grading plan approval);
 - e. Final WQMP (prior to grading plan approval);
 - f. Legal documents (e.g., easement(s), dedication(s), lot line adjustment, vacation, etc.) (prior to building permit issuance);
 - g. As-Built revision for all plans (prior to Occupancy release);

Prior to Grading Plan Approval

93. Resolution of all drainage issues shall be as approved by the City Engineer.
94. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
95. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
96. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
 - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 12

- Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
97. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of <TYPE OF BMP>. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.
 - b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. <The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3>.
 - c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.
 - d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
 - e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.
 - f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.
 - g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.
98. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
 - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
99. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
100. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 13

guidance document for the Santa Ana region of Riverside County.

101. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
102. The developer shall pay all remaining plan check fees.
103. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
104. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
105. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

106. 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)]
107. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and /or public utility easements as may be relevant to the project.
108. 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.
109. The developer shall pay current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]
110. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.
111. 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)]
112. 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]
113. The developer shall pay all applicable inspection fees.
114. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 14

Prior to Improvement Plan Approval

115. 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.
116. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
117. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
118. 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.
119. 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.
120. 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]
121. 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.
122. 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 23 feet for Old 215 Frontage Rd. and half-street width plus 18 feet for Bay Ave., 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.
123. 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.
124. 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.
125. 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

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 15

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

126. A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
127. All applicable inspection fees shall be paid.
128. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]
129. 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.
130. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

131. 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.
132. For non-subdivision projects, 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.
133. For non-subdivision projects, the developer shall guarantee the completion of all related public improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
134. For non-subdivision projects, 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.
135. 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.
136. 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.
137. 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

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 16

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.

138. 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.

Prior to Occupancy

139. All outstanding fees shall be paid.
140. 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.
141. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
142. 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]
143. 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.
144. 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).

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 17

- 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.
145. 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

146. Developer shall construct a raised, landscaped median on Old 215 Frontage Road per City Standard No. MVSI-103A-0, its details to the satisfaction of the City Engineer, from Bay Avenue to Alessandro Boulevard. The raised, landscaped median shall be included in the Street Improvement Plans as well as a separate Landscape Median Plan for the City's review and approval. An encroachment from the City of Riverside will be required for the westerly half of the median located outside of the City of Moreno Valley's city limits. If there are jurisdictional delays which jeopardizes the developer's good faith efforts to complete construction of the raised landscaped median, the City and developer shall agree upon a means of security to ensure completion of the median prior to issuance of certificate of occupancy.
147. As a result of constructing a BSMWC 12 inch waterline approximately 10 linear feet north of centerline on Bay Avenue, Developer shall repair the existing approximately 12 linear feet of existing pavement north of centerline from the east right of way of Old 215 Frontage Rd. to approximately 300 linear feet east of the project boundary, approximately 535 linear feet, per City Standard Plan MVSI-132E-1. Developer shall also provide a slurry seal coat over the north and south lanes of Bay Avenue from centerline of Edgemont Street to the east boundary.

Special Districts Division

148. CFD 2014-01. If a landscape median is required and prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Landscape Maintenance Services for public parkway, traffic circle, open space, and /or median landscaping on Old 215 Frontage Road.

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

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 18

consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

149. NPDES Funding. Prior to applying for the 1st Building Permit and if the Land Development Division requires this project to provide a funding source for the City's National Pollutant Discharge Elimination System (NPDES) program, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the balloting/annexation fee or fund an endowment) to provide an ongoing funding source for the NPDES program. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful special election process into the NPDES program, or other special financing district, and payment of all costs associated with the special election process. Participation in the NPDES program requires an annual payment of the annual special tax, assessment, rate 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 City Council action to consider the ballot/annexation into or formation of the district, the qualified elector(s) will not protest the ballot/annexation or formation, but will retain the right to object to any eventual tax/assessment/rate/fee that is not equitable should the financial burden of the tax/assessment/rate/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. (MC 3.50.050). Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.
150. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 19

means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

151. **Public Safety Funding.** Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

152. If a landscape median is required, parkway, open space, traffic circle, and /or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
153. **Maintenance Period.** If a landscape median is required, then the Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 20

- Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
154. ECSD Street Light Acknowledgement. Prior to the 1st Certificate of Occupancy, the Developer must submit an acknowledgement from Edgemont Community Services District confirming it has accepted all street lights required to be installed by this project into its system for ongoing maintenance. Said acknowledgement must be emailed to SDAdmin@moval.org. ECSD can be reached at 951.784.2411, P.O. Box 5436, Riverside, CA 92514.
 155. Independent Utilities. If a landscape median is required, parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
 156. Landscape Inspection Fees. If a landscape median is required, inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre -construction meeting. (MC 3.32.040)
 157. Landscape Guidelines. If a landscape median is required, plans for parkway, median, slope, traffic circle, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
 158. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
 159. Landscape Plan Check Fees. If a landscape median is required, plan check fees for review of parkway/median, open space, and/or traffic circle landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
 160. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 21

proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

161. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

162. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
163. All project driveways shall conform to City of Moreno Valley Standard Plans No. MVS1-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be allowed as follows:
- Old 215 Frontage Road driveways: right-turn in/out only. Access restriction shall be accomplished with the construction of a raised median on Old 215 Frontage Road.
 - Bay Avenue driveway: emergency vehicles only.
164. Any gated entrance shall be provided with the following:
- A storage lane with a minimum of 75 feet queuing length for entering traffic.
 - Signing and striping
 - A separate pedestrian entry.

All of these features must be kept in working order.

CONDITIONS OF APPROVAL

Plot Plan for Building B (PEN21-0106)

Page 22

165. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
166. Old 215 Frontage Road is designated as a 4-Lane Divided Arterial (110'RW/86'CC) per City Standard Plan No. MVSI-103A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement north and south of the project site.
167. Bay Avenue is designated as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. MVSI-106A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement east and west of the project site.
168. Prior to final approval of any grading, landscape, monument sign, or street improvement plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
169. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets along the project frontages. 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.
170. 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 concrete median on Old 215 Frontage Road along the project frontage.
171. 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 Traffic Engineer.
172. Prior to issuance of Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
173. Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.
174. Prior to issuance of Certificate of Occupancy, raised median improvement on Old 215 Frontage Road along the project frontage shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer. Median construction shall include but not be limited to: paving, concrete curbs, signing/striping, and landscaping. Exact requirements will be determined during the plan check process.

EXHIBIT C
CONDITIONS OF APPROVAL
Plot Plan (PEN21-0107) for Building C

Attachment: Resolution No. 2022-14 for Master Plot Plan and Plot Plans [Revision 5] (5742 : Master Plot Plan (including Building A) and five

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan for Building C (PEN21-0107)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. This approval is for Building C (29,662 square feet) of the Old 215 Frontage Industrial Business Park. It is one of six buildings included on the Master Plot Plan (PEN21-0105) for the Business Park. 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. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 2

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The required parking for this use shall comply with the Parking Analysis on file and all applicable requirements of the City of Moreno Valley Municipal Code (MC 9.11.040).
8. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
11. 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)

Special Conditions

12. Prior to issuance of any building permits, the developer or successor in interest shall record a reciprocal access and parking easement over the subject property, for the benefit of the American Legion building property landowner. The scope of the easement shall include access to a minimum of 34 parking spaces adjacent to Buildings A and D.
13. Prior to issuance of grading permits, the developer or successor in interest shall file a lot merger/lot line adjustment to consolidate the subject site to be developed, into one contiguous parcel. The lot line adjustment/lot merger shall be recorded prior to issuance of building permits.
14. Prior to issuance of grading permits, the developer or successor in interest shall submit plans and obtain approvals for 14-foot high walls along the interior property lines adjacent to the emergency vehicle driveway fronting on Bay Avenue. The wall shall be stepped down in height to 36-inches within the 20-foot front setback along Bay Avenue.
15. Prior to mobilization on the property for grading activities, the developer shall obtain demolition permits for the foundation of the single family residence located at 21793 Bay Avenue and for the existing auto repair/tire shop located at 13906 Old 215 Frontage Road. The developer shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the Project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. The developer shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint, pursuant to Cal-OSHA regulations.

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 3

16. Notwithstanding the minimum improvement requirements for an emergency vehicular access road, the proposed 26-foot wide emergency vehicle access driveway along Bay Avenue shall be paved with asphalt or concrete, subject to review and approval by the Planning Official and City Engineer.
17. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. The plans shall be prepared in accordance with the City's Landscape Requirements to include a drought tolerant palette. (MVMC 9.17)
18. 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)
19. Photometric Plans shall be submitted to the Building and Safety Division for review and approval as part of the lighting and electrical building plan submittal.
20. 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.

Prior to Grading Permit

21. 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.
22. Prior to issuance of grading permits, the developer shall submit wall /fence plans to the Planning Division for review and approval as follows:
 - a. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - c. Proposed screening walls for truck loading areas and required loading docks shall also include decorative block walls with pilasters with a height up to fourteen (14) feet to fully screen trucks (industrial and some situations with commercial uses).
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
23. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 4

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
24. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
25. Prior to issuance of any grading permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the grading plans.
26. 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)
27. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

Prior to Building Permit

28. Prior to issuance of any building permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the building plans.
29. 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)
30. 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)
31. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
32. 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.
33. 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.

Building Division

34. 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.

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 5

35. Prior to submittal, all new development is required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
36. Contact the Building Safety Division for permit application submittal requirements.
37. The proposed project will be subject to approval by the Box Springs Mutual Water Company and all applicable fees and charges shall be paid prior to permit issuance. Contact the water company at 951.653.6419 for specific details.
38. 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 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
39. 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.
40. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
41. 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.
42. 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.
43. 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).
44. 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.
45. 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)
46. The proposed project is subject to approval by the Edgemont Community Services District and all applicable fees and charges shall be paid prior to permit issuance. Contact the Edgemont Community at (951)784-2632 for specific details.

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 6

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

47. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
48. 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.
49. New Moreno Valley businesses are encouraged to hire local residents.
50. 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.
51. 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**

52. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
53. 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)
54. 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)
55. 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)
56. 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)
57. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 7

58. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
59. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
60. 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.
61. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
62. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
63. 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])
64. 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])
65. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
66. 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)
67. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 8

- 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
68. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 69. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
 70. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
 71. 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)
 72. 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)
 73. Prior to rough grading permits being issued, all off-site public water improvement plans shall fully installed and new fire flow test completed to verify the required fire flow of 2500 GPMs for a duration of 2HRs with a minimum residual pressure of 20 PSI.
 74. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 75. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 76. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
 77. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and /or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
 78. 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.

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 9

FINANCIAL & MANAGEMENT SERVICES DEPARTMENTMoreno Valley Utility

79. 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.
80. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

PUBLIC WORKS DEPARTMENTLand Development

81. 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.
82. The developer shall comply with all applicable City ordinances and resolutions including the

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 10

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]

83. 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.
84. 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.

85. 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.
86. 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]
87. 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)]
88. 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]
89. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 11

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.

90. 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.
91. 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.
92. 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. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - b. Precise grading w/ erosion control plan (prior to building permit issuance);
 - c. Public Improvement Plan (e.g., street/storm drain w/ striping, RCFC storm drain, sewer/water, etc.)> (prior to encroachment permit issuance);
 - d. Final drainage study (prior to grading plan approval);
 - e. Final WQMP (prior to grading plan approval);
 - f. Legal documents (e.g., easement(s), dedication(s), lot line adjustment, vacation, etc.) (prior to building permit issuance);
 - g. As-Built revision for all plans (prior to Occupancy release);

Prior to Grading Plan Approval

93. Resolution of all drainage issues shall be as approved by the City Engineer.
94. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
95. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
96. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
 - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 12

- Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
97. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of <TYPE OF BMP>. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.
 - b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. <The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3>.
 - c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.
 - d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
 - e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.
 - f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.
 - g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.
98. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
 - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
99. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
100. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 13

guidance document for the Santa Ana region of Riverside County.

101. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
102. The developer shall pay all remaining plan check fees.
103. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
104. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
105. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

106. 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)]
107. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and /or public utility easements as may be relevant to the project.
108. 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.
109. The developer shall pay current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]
110. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.
111. 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)]
112. 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]
113. The developer shall pay all applicable inspection fees.
114. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 14

Prior to Improvement Plan Approval

115. 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.
116. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
117. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
118. 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.
119. 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.
120. 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]
121. 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.
122. 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 23 feet for Old 215 Frontage Rd. and half-street width plus 18 feet for Bay Ave., 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.
123. 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.
124. 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.
125. 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

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 15

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

126. A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
127. All applicable inspection fees shall be paid.
128. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]
129. 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.
130. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

131. 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.
132. For non-subdivision projects, 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.
133. For non-subdivision projects, the developer shall guarantee the completion of all related public improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
134. For non-subdivision projects, 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.
135. 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.
136. 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.
137. 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

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 16

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.

138. 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.

Prior to Occupancy

139. All outstanding fees shall be paid.
140. 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.
141. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
142. 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]
143. 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.
144. 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).

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 17

- 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.
145. 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

146. Developer shall construct a raised, landscaped median on Old 215 Frontage Road per City Standard No. MVSI-103A-0, its details to the satisfaction of the City Engineer, from Bay Avenue to Alessandro Boulevard. The raised, landscaped median shall be included in the Street Improvement Plans as well as a separate Landscape Median Plan for the City's review and approval. An encroachment from the City of Riverside will be required for the westerly half of the median located outside of the City of Moreno Valley's city limits. If there are jurisdictional delays which jeopardizes the developer's good faith efforts to complete construction of the raised landscaped median, the City and developer shall agree upon a means of security to ensure completion of the median prior to issuance of certificate of occupancy.
147. As a result of constructing a BSMWC 12 inch waterline approximately 10 linear feet north of centerline on Bay Avenue, Developer shall repair the existing approximately 12 linear feet of existing pavement north of centerline from the east right of way of Old 215 Frontage Rd. to approximately 300 linear feet east of the project boundary, approximately 535 linear feet, per City Standard Plan MVSI-132E-1. Developer shall also provide a slurry seal coat over the north and south lanes of Bay Avenue from centerline of Edgemont Street to the east boundary.

Special Districts Division

148. CFD 2014-01. If a landscape median is required and prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Landscape Maintenance Services for public parkway, traffic circle, open space, and /or median landscaping on Old 215 Frontage Road.

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

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 18

consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

149. NPDES Funding. Prior to applying for the 1st Building Permit and if the Land Development Division requires this project to provide a funding source for the City's National Pollutant Discharge Elimination System (NPDES) program, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the balloting/annexation fee or fund an endowment) to provide an ongoing funding source for the NPDES program. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful special election process into the NPDES program, or other special financing district, and payment of all costs associated with the special election process. Participation in the NPDES program requires an annual payment of the annual special tax, assessment, rate 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 City Council action to consider the ballot/annexation into or formation of the district, the qualified elector(s) will not protest the ballot/annexation or formation, but will retain the right to object to any eventual tax/assessment/rate/fee that is not equitable should the financial burden of the tax/assessment/rate/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. (MC 3.50.050). Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.
150. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 19

means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

151. **Public Safety Funding.** Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

152. If a landscape median is required, parkway, open space, traffic circle, and /or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
153. **Maintenance Period.** If a landscape median is required, then the Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 20

- Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
154. ECSD Street Light Acknowledgement. Prior to the 1st Certificate of Occupancy, the Developer must submit an acknowledgement from Edgemont Community Services District confirming it has accepted all street lights required to be installed by this project into its system for ongoing maintenance. Said acknowledgement must be emailed to SDAdmin@moval.org. ECSD can be reached at 951.784.2411, P.O. Box 5436, Riverside, CA 92514.
 155. Independent Utilities. If a landscape median is required, parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
 156. Landscape Inspection Fees. If a landscape median is required, inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre -construction meeting. (MC 3.32.040)
 157. Landscape Guidelines. If a landscape median is required, plans for parkway, median, slope, traffic circle, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
 158. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
 159. Landscape Plan Check Fees. If a landscape median is required, plan check fees for review of parkway/median, open space, and/or traffic circle landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
 160. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 21

proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

161. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

162. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
163. All project driveways shall conform to City of Moreno Valley Standard Plans No. MVS1-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be allowed as follows:
- Old 215 Frontage Road driveways: right-turn in/out only. Access restriction shall be accomplished with the construction of a raised median on Old 215 Frontage Road.
 - Bay Avenue driveway: emergency vehicles only.
164. Any gated entrance shall be provided with the following:
- A storage lane with a minimum of 75 feet queuing length for entering traffic.
 - Signing and striping
 - A separate pedestrian entry.

All of these features must be kept in working order.

CONDITIONS OF APPROVAL

Plot Plan for Building C (PEN21-0107)

Page 22

165. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
166. Old 215 Frontage Road is designated as a 4-Lane Divided Arterial (110'RW/86'CC) per City Standard Plan No. MVSI-103A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement north and south of the project site.
167. Bay Avenue is designated as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. MVSI-106A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement east and west of the project site.
168. Prior to final approval of any grading, landscape, monument sign, or street improvement plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
169. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets along the project frontages. 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.
170. 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 concrete median on Old 215 Frontage Road along the project frontage.
171. 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 Traffic Engineer.
172. Prior to issuance of Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
173. Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.
174. Prior to issuance of Certificate of Occupancy, raised median improvement on Old 215 Frontage Road along the project frontage shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer. Median construction shall include but not be limited to: paving, concrete curbs, signing/striping, and landscaping. Exact requirements will be determined during the plan check process.

EXHIBIT D
CONDITIONS OF APPROVAL
Plot Plan (PEN21-0108) for Building D

Attachment: Resolution No. 2022-14 for Master Plot Plan and Plot Plans [Revision 5] (5742 : Master Plot Plan (including Building A) and five

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan for Building D (PEN21-0108)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. This approval is for Building D (44,005 square feet) of the Old 215 Frontage Industrial Business Park. It is one of six buildings included on the Master Plot Plan (PEN21-0105) for the Business Park. 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. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 2

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The required parking for this use shall comply with the Parking Analysis on file and all applicable requirements of the City of Moreno Valley Municipal Code (MC 9.11.040).
8. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
11. 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)

Special Conditions

12. Prior to issuance of any building permits, the developer or successor in interest shall record a reciprocal access and parking easement over the subject property, for the benefit of the American Legion building property landowner. The scope of the easement shall include access to a minimum of 34 parking spaces adjacent to Buildings A and D.
13. Prior to issuance of grading permits, the developer or successor in interest shall file a lot merger/lot line adjustment to consolidate the subject site to be developed, into one contiguous parcel. The lot line adjustment/lot merger shall be recorded prior to issuance of building permits.
14. Prior to issuance of grading permits, the developer or successor in interest shall submit plans and obtain approvals for 14-foot high walls along the interior property lines adjacent to the emergency vehicle driveway fronting on Bay Avenue. The wall shall be stepped down in height to 36-inches within the 20-foot front setback along Bay Avenue.
15. Prior to mobilization on the property for grading activities, the developer shall obtain demolition permits for the foundation of the single family residence located at 21793 Bay Avenue and for the existing auto repair/tire shop located at 13906 Old 215 Frontage Road. The developer shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the Project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. The developer shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint, pursuant to Cal-OSHA regulations.

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 3

16. Notwithstanding the minimum improvement requirements for an emergency vehicular access road, the proposed 26-foot wide emergency vehicle access driveway along Bay Avenue shall be paved with asphalt or concrete, subject to review and approval by the Planning Official and City Engineer.
17. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. The plans shall be prepared in accordance with the City's Landscape Requirements to include a drought tolerant palette. (MVMC 9.17)
18. 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)
19. Photometric Plans shall be submitted to the Building and Safety Division for review and approval as part of the lighting and electrical building plan submittal.
20. 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.

Prior to Grading Permit

21. 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.
22. Prior to issuance of grading permits, the developer shall submit wall /fence plans to the Planning Division for review and approval as follows:
 - a. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - c. Proposed screening walls for truck loading areas and required loading docks shall also include decorative block walls with pilasters with a height up to fourteen (14) feet to fully screen trucks (industrial and some situations with commercial uses).
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
23. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 4

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
24. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
25. Prior to issuance of any grading permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the grading plans.
26. 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)
27. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

Prior to Building Permit

28. Prior to issuance of any building permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the building plans.
29. 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)
30. 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)
31. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
32. 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.
33. 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.

Building Division

34. 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.

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 5

35. Prior to submittal, all new development is required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
36. Contact the Building Safety Division for permit application submittal requirements.
37. The proposed project will be subject to approval by the Box Springs Mutual Water Company and all applicable fees and charges shall be paid prior to permit issuance. Contact the water company at 951.653.6419 for specific details.
38. 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 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
39. 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.
40. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
41. 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.
42. 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.
43. 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).
44. 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.
45. 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)
46. The proposed project is subject to approval by the Edgemont Community Services District and all applicable fees and charges shall be paid prior to permit issuance. Contact the Edgemont Community at (951)784-2632 for specific details.

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 6

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

47. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
48. 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.
49. New Moreno Valley businesses are encouraged to hire local residents.
50. 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.
51. 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**

52. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
53. 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)
54. 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)
55. 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)
56. 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)
57. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 7

58. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
59. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
60. 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.
61. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
62. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
63. 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])
64. 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])
65. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
66. 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)
67. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 8

- 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
68. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 69. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
 70. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
 71. 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)
 72. 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)
 73. Prior to rough grading permits being issued, all off-site public water improvement plans shall fully installed and new fire flow test completed to verify the required fire flow of 2500 GPMs for a duration of 2HRs with a minimum residual pressure of 20 PSI.
 74. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 75. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 76. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
 77. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and /or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
 78. 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.

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 9

FINANCIAL & MANAGEMENT SERVICES DEPARTMENTMoreno Valley Utility

79. 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.
80. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

PUBLIC WORKS DEPARTMENTLand Development

81. 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.
82. The developer shall comply with all applicable City ordinances and resolutions including the

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 10

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]

83. 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.
84. 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.

85. 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.
86. 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]
87. 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)]
88. 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]
89. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 11

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.

90. 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.
91. 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.
92. 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. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - b. Precise grading w/ erosion control plan (prior to building permit issuance);
 - c. Public Improvement Plan (e.g., street/storm drain w/ striping, RCFC storm drain, sewer/water, etc.)> (prior to encroachment permit issuance);
 - d. Final drainage study (prior to grading plan approval);
 - e. Final WQMP (prior to grading plan approval);
 - f. Legal documents (e.g., easement(s), dedication(s), lot line adjustment, vacation, etc.) (prior to building permit issuance);
 - g. As-Built revision for all plans (prior to Occupancy release);

Prior to Grading Plan Approval

93. Resolution of all drainage issues shall be as approved by the City Engineer.
94. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
95. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
96. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
 - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 12

- Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
97. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of <TYPE OF BMP>. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.
 - b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. <The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3>.
 - c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.
 - d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
 - e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.
 - f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.
 - g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.
98. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
 - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
99. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
100. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 13

guidance document for the Santa Ana region of Riverside County.

101. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
102. The developer shall pay all remaining plan check fees.
103. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
104. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
105. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

106. 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)]
107. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and /or public utility easements as may be relevant to the project.
108. 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.
109. The developer shall pay current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]
110. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.
111. 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)]
112. 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]
113. The developer shall pay all applicable inspection fees.
114. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 14

Prior to Improvement Plan Approval

115. 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.
116. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
117. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
118. 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.
119. 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.
120. 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]
121. 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.
122. 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 23 feet for Old 215 Frontage Rd. and half-street width plus 18 feet for Bay Ave., 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.
123. 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.
124. 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.
125. 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

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 15

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

126. A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
127. All applicable inspection fees shall be paid.
128. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]
129. 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.
130. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

131. 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.
132. For non-subdivision projects, 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.
133. For non-subdivision projects, the developer shall guarantee the completion of all related public improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
134. For non-subdivision projects, 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.
135. 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.
136. 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.
137. 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

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 16

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.

138. 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.

Prior to Occupancy

139. All outstanding fees shall be paid.
140. 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.
141. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
142. 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]
143. 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.
144. 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).

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 17

- 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.
145. 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

146. Developer shall construct a raised, landscaped median on Old 215 Frontage Road per City Standard No. MVSI-103A-0, its details to the satisfaction of the City Engineer, from Bay Avenue to Alessandro Boulevard. The raised, landscaped median shall be included in the Street Improvement Plans as well as a separate Landscape Median Plan for the City's review and approval. An encroachment from the City of Riverside will be required for the westerly half of the median located outside of the City of Moreno Valley's city limits. If there are jurisdictional delays which jeopardizes the developer's good faith efforts to complete construction of the raised landscaped median, the City and developer shall agree upon a means of security to ensure completion of the median prior to issuance of certificate of occupancy.
147. As a result of constructing a BSMWC 12 inch waterline approximately 10 linear feet north of centerline on Bay Avenue, Developer shall repair the existing approximately 12 linear feet of existing pavement north of centerline from the east right of way of Old 215 Frontage Rd. to approximately 300 linear feet east of the project boundary, approximately 535 linear feet, per City Standard Plan MVSI-132E-1. Developer shall also provide a slurry seal coat over the north and south lanes of Bay Avenue from centerline of Edgemont Street to the east boundary.

Special Districts Division

148. CFD 2014-01. If a landscape median is required and prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Landscape Maintenance Services for public parkway, traffic circle, open space, and /or median landscaping on Old 215 Frontage Road.

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

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 18

consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

149. NPDES Funding. Prior to applying for the 1st Building Permit and if the Land Development Division requires this project to provide a funding source for the City's National Pollutant Discharge Elimination System (NPDES) program, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the balloting/annexation fee or fund an endowment) to provide an ongoing funding source for the NPDES program. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful special election process into the NPDES program, or other special financing district, and payment of all costs associated with the special election process. Participation in the NPDES program requires an annual payment of the annual special tax, assessment, rate 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 City Council action to consider the ballot/annexation into or formation of the district, the qualified elector(s) will not protest the ballot/annexation or formation, but will retain the right to object to any eventual tax/assessment/rate/fee that is not equitable should the financial burden of the tax/assessment/rate/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. (MC 3.50.050). Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.
150. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 19

means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

151. **Public Safety Funding.** Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

152. If a landscape median is required, parkway, open space, traffic circle, and /or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
153. **Maintenance Period.** If a landscape median is required, then the Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 20

- Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
154. ECSD Street Light Acknowledgement. Prior to the 1st Certificate of Occupancy, the Developer must submit an acknowledgement from Edgemont Community Services District confirming it has accepted all street lights required to be installed by this project into its system for ongoing maintenance. Said acknowledgement must be emailed to SDAdmin@moval.org. ECSD can be reached at 951.784.2411, P.O. Box 5436, Riverside, CA 92514.
 155. Independent Utilities. If a landscape median is required, parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
 156. Landscape Inspection Fees. If a landscape median is required, inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre -construction meeting. (MC 3.32.040)
 157. Landscape Guidelines. If a landscape median is required, plans for parkway, median, slope, traffic circle, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
 158. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
 159. Landscape Plan Check Fees. If a landscape median is required, plan check fees for review of parkway/median, open space, and/or traffic circle landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
 160. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 21

proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

161. **Park Maintenance Funding.** Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

162. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
163. All project driveways shall conform to City of Moreno Valley Standard Plans No. MVS1-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be allowed as follows:
- Old 215 Frontage Road driveways: right-turn in/out only. Access restriction shall be accomplished with the construction of a raised median on Old 215 Frontage Road.
 - Bay Avenue driveway: emergency vehicles only.
164. Any gated entrance shall be provided with the following:
- A storage lane with a minimum of 75 feet queuing length for entering traffic.
 - Signing and striping
 - A separate pedestrian entry.

All of these features must be kept in working order.

CONDITIONS OF APPROVAL

Plot Plan for Building D (PEN21-0108)

Page 22

165. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
166. Old 215 Frontage Road is designated as a 4-Lane Divided Arterial (110'RW/86'CC) per City Standard Plan No. MVSI-103A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement north and south of the project site.
167. Bay Avenue is designated as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. MVSI-106A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement east and west of the project site.
168. Prior to final approval of any grading, landscape, monument sign, or street improvement plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
169. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets along the project frontages. 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.
170. 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 concrete median on Old 215 Frontage Road along the project frontage.
171. 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 Traffic Engineer.
172. Prior to issuance of Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
173. Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.
174. Prior to issuance of Certificate of Occupancy, raised median improvement on Old 215 Frontage Road along the project frontage shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer. Median construction shall include but not be limited to: paving, concrete curbs, signing/striping, and landscaping. Exact requirements will be determined during the plan check process.

EXHIBIT E
CONDITIONS OF APPROVAL
Plot Plan (PEN21-0109) for Building E

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan for Building E (PEN21-0109)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. This approval is for Building E (23,530 square feet) of the Old 215 Frontage Industrial Business Park. It is one of six buildings included on the Master Plot Plan (PEN21-0105) for the Business Park. 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. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 2

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The required parking for this use shall comply with the Parking Analysis on file and all applicable requirements of the City of Moreno Valley Municipal Code (MC 9.11.040).
8. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
11. 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)

Special Conditions

12. Prior to issuance of any building permits, the developer or successor in interest shall record a reciprocal access and parking easement over the subject property, for the benefit of the American Legion building property landowner. The scope of the easement shall include access to a minimum of 34 parking spaces adjacent to Buildings A and D.
13. Prior to issuance of grading permits, the developer or successor in interest shall file a lot merger/lot line adjustment to consolidate the subject site to be developed, into one contiguous parcel. The lot line adjustment/lot merger shall be recorded prior to issuance of building permits.
14. Prior to issuance of grading permits, the developer or successor in interest shall submit plans and obtain approvals for 14-foot high walls along the interior property lines adjacent to the emergency vehicle driveway fronting on Bay Avenue. The wall shall be stepped down in height to 36-inches within the 20-foot front setback along Bay Avenue.
15. Prior to mobilization on the property for grading activities, the developer shall obtain demolition permits for the foundation of the single family residence located at 21793 Bay Avenue and for the existing auto repair/tire shop located at 13906 Old 215 Frontage Road. The developer shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the Project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. The developer shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint, pursuant to Cal-OSHA regulations.

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 3

16. Notwithstanding the minimum improvement requirements for an emergency vehicular access road, the proposed 26-foot wide emergency vehicle access driveway along Bay Avenue shall be paved with asphalt or concrete, subject to review and approval by the Planning Official and City Engineer.
17. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. The plans shall be prepared in accordance with the City's Landscape Requirements to include a drought tolerant palette. (MVMC 9.17)
18. 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)
19. Photometric Plans shall be submitted to the Building and Safety Division for review and approval as part of the lighting and electrical building plan submittal.
20. 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.

Prior to Grading Permit

21. 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.
22. Prior to issuance of grading permits, the developer shall submit wall /fence plans to the Planning Division for review and approval as follows:
 - a. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - c. Proposed screening walls for truck loading areas and required loading docks shall also include decorative block walls with pilasters with a height up to fourteen (14) feet to fully screen trucks (industrial and some situations with commercial uses).
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
23. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 4

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
24. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
25. Prior to issuance of any grading permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the grading plans.
26. 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)
27. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

Prior to Building Permit

28. Prior to issuance of any building permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the building plans.
29. 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)
30. 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)
31. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
32. 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.
33. 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.

Building Division

34. 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.

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 5

35. Prior to submittal, all new development is required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
36. Contact the Building Safety Division for permit application submittal requirements.
37. The proposed project will be subject to approval by the Box Springs Mutual Water Company and all applicable fees and charges shall be paid prior to permit issuance. Contact the water company at 951.653.6419 for specific details.
38. 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 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
39. 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.
40. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
41. 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.
42. 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.
43. 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).
44. 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.
45. 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)
46. The proposed project is subject to approval by the Edgemont Community Services District and all applicable fees and charges shall be paid prior to permit issuance. Contact the Edgemont Community at (951)784-2632 for specific details.

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 6

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

47. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
48. 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.
49. New Moreno Valley businesses are encouraged to hire local residents.
50. 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.
51. 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**

52. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
53. 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)
54. 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)
55. 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)
56. 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)
57. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 7

58. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
59. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
60. 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.
61. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
62. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
63. 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])
64. 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])
65. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
66. 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)
67. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 8

- 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
68. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 69. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
 70. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
 71. 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)
 72. 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)
 73. Prior to rough grading permits being issued, all off-site public water improvement plans shall fully installed and new fire flow test completed to verify the required fire flow of 2500 GPMs for a duration of 2HRs with a minimum residual pressure of 20 PSI.
 74. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 75. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 76. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
 77. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and /or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
 78. 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.

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 9

FINANCIAL & MANAGEMENT SERVICES DEPARTMENTMoreno Valley Utility

79. 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.
80. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

PUBLIC WORKS DEPARTMENTLand Development

81. 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.
82. The developer shall comply with all applicable City ordinances and resolutions including the

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 10

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]

83. 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.
84. 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.

85. 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.
86. 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]
87. 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)]
88. 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]
89. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 11

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.

90. 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.
91. 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.
92. 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. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - b. Precise grading w/ erosion control plan (prior to building permit issuance);
 - c. Public Improvement Plan (e.g., street/storm drain w/ striping, RCFC storm drain, sewer/water, etc.)> (prior to encroachment permit issuance);
 - d. Final drainage study (prior to grading plan approval);
 - e. Final WQMP (prior to grading plan approval);
 - f. Legal documents (e.g., easement(s), dedication(s), lot line adjustment, vacation, etc.) (prior to building permit issuance);
 - g. As-Built revision for all plans (prior to Occupancy release);

Prior to Grading Plan Approval

93. Resolution of all drainage issues shall be as approved by the City Engineer.
94. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
95. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
96. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
 - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 12

- Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
97. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of <TYPE OF BMP>. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.
 - b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. <The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3>.
 - c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.
 - d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
 - e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.
 - f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.
 - g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.
98. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
 - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
99. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
100. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 13

guidance document for the Santa Ana region of Riverside County.

101. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
102. The developer shall pay all remaining plan check fees.
103. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
104. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
105. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

106. 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)]
107. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and /or public utility easements as may be relevant to the project.
108. 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.
109. The developer shall pay current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]
110. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.
111. 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)]
112. 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]
113. The developer shall pay all applicable inspection fees.
114. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 14

Prior to Improvement Plan Approval

115. 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.
116. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
117. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
118. 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.
119. 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.
120. 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]
121. 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.
122. 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 23 feet for Old 215 Frontage Rd. and half-street width plus 18 feet for Bay Ave., 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.
123. 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.
124. 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.
125. 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

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 15

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

126. A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
127. All applicable inspection fees shall be paid.
128. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]
129. 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.
130. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

131. 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.
132. For non-subdivision projects, 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.
133. For non-subdivision projects, the developer shall guarantee the completion of all related public improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
134. For non-subdivision projects, 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.
135. 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.
136. 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.
137. 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

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 16

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.

138. 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.

Prior to Occupancy

139. All outstanding fees shall be paid.
140. 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.
141. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
142. 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]
143. 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.
144. 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).

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 17

- 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.
145. 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

146. Developer shall construct a raised, landscaped median on Old 215 Frontage Road per City Standard No. MVSI-103A-0, its details to the satisfaction of the City Engineer, from Bay Avenue to Alessandro Boulevard. The raised, landscaped median shall be included in the Street Improvement Plans as well as a separate Landscape Median Plan for the City's review and approval. An encroachment from the City of Riverside will be required for the westerly half of the median located outside of the City of Moreno Valley's city limits. If there are jurisdictional delays which jeopardizes the developer's good faith efforts to complete construction of the raised landscaped median, the City and developer shall agree upon a means of security to ensure completion of the median prior to issuance of certificate of occupancy.
147. As a result of constructing a BSMWC 12 inch waterline approximately 10 linear feet north of centerline on Bay Avenue, Developer shall repair the existing approximately 12 linear feet of existing pavement north of centerline from the east right of way of Old 215 Frontage Rd. to approximately 300 linear feet east of the project boundary, approximately 535 linear feet, per City Standard Plan MVSI-132E-1. Developer shall also provide a slurry seal coat over the north and south lanes of Bay Avenue from centerline of Edgemont Street to the east boundary.

Special Districts Division

148. CFD 2014-01. If a landscape median is required and prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Landscape Maintenance Services for public parkway, traffic circle, open space, and /or median landscaping on Old 215 Frontage Road.

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

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 18

consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

149. NPDES Funding. Prior to applying for the 1st Building Permit and if the Land Development Division requires this project to provide a funding source for the City's National Pollutant Discharge Elimination System (NPDES) program, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the balloting/annexation fee or fund an endowment) to provide an ongoing funding source for the NPDES program. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful special election process into the NPDES program, or other special financing district, and payment of all costs associated with the special election process. Participation in the NPDES program requires an annual payment of the annual special tax, assessment, rate 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 City Council action to consider the ballot/annexation into or formation of the district, the qualified elector(s) will not protest the ballot/annexation or formation, but will retain the right to object to any eventual tax/assessment/rate/fee that is not equitable should the financial burden of the tax/assessment/rate/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. (MC 3.50.050). Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.
150. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 19

means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

151. **Public Safety Funding.** Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

152. If a landscape median is required, parkway, open space, traffic circle, and /or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
153. **Maintenance Period.** If a landscape median is required, then the Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 20

- Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
154. ECSD Street Light Acknowledgement. Prior to the 1st Certificate of Occupancy, the Developer must submit an acknowledgement from Edgemont Community Services District confirming it has accepted all street lights required to be installed by this project into its system for ongoing maintenance. Said acknowledgement must be emailed to SDAdmin@moval.org. ECSD can be reached at 951.784.2411, P.O. Box 5436, Riverside, CA 92514.
 155. Independent Utilities. If a landscape median is required, parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
 156. Landscape Inspection Fees. If a landscape median is required, inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre -construction meeting. (MC 3.32.040)
 157. Landscape Guidelines. If a landscape median is required, plans for parkway, median, slope, traffic circle, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
 158. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
 159. Landscape Plan Check Fees. If a landscape median is required, plan check fees for review of parkway/median, open space, and/or traffic circle landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
 160. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 21

proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

161. **Park Maintenance Funding.** Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

162. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
163. All project driveways shall conform to City of Moreno Valley Standard Plans No. MVS1-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be allowed as follows:
- Old 215 Frontage Road driveways: right-turn in/out only. Access restriction shall be accomplished with the construction of a raised median on Old 215 Frontage Road.
 - Bay Avenue driveway: emergency vehicles only.
164. Any gated entrance shall be provided with the following:
- A storage lane with a minimum of 75 feet queuing length for entering traffic.
 - Signing and striping
 - A separate pedestrian entry.

All of these features must be kept in working order.

CONDITIONS OF APPROVAL

Plot Plan for Building E (PEN21-0109)

Page 22

165. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
166. Old 215 Frontage Road is designated as a 4-Lane Divided Arterial (110'RW/86'CC) per City Standard Plan No. MVSI-103A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement north and south of the project site.
167. Bay Avenue is designated as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. MVSI-106A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement east and west of the project site.
168. Prior to final approval of any grading, landscape, monument sign, or street improvement plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
169. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets along the project frontages. 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.
170. 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 concrete median on Old 215 Frontage Road along the project frontage.
171. 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 Traffic Engineer.
172. Prior to issuance of Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
173. Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.
174. Prior to issuance of Certificate of Occupancy, raised median improvement on Old 215 Frontage Road along the project frontage shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer. Median construction shall include but not be limited to: paving, concrete curbs, signing/striping, and landscaping. Exact requirements will be determined during the plan check process.

EXHIBIT F
CONDITIONS OF APPROVAL
Plot Plan (PEN21-0110) for Building F

Attachment: Resolution No. 2022-14 for Master Plot Plan and Plot Plans [Revision 5] (5742 : Master Plot Plan (including Building A) and five

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Plot Plan for Building F (PEN21-0110)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENTPlanning Division

1. This approval is for Building F (23,251 square feet) of the Old 215 Frontage Industrial Business Park. It is one of six buildings included on the Master Plot Plan (PEN21-0105) for the Business Park. 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. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 2

6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
7. The required parking for this use shall comply with the Parking Analysis on file and all applicable requirements of the City of Moreno Valley Municipal Code (MC 9.11.040).
8. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
9. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
10. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
11. 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)

Special Conditions

12. Prior to issuance of any building permits, the developer or successor in interest shall record a reciprocal access and parking easement over the subject property, for the benefit of the American Legion building property landowner. The scope of the easement shall include access to a minimum of 34 parking spaces adjacent to Buildings A and D.
13. Prior to issuance of grading permits, the developer or successor in interest shall file a lot merger/lot line adjustment to consolidate the subject site to be developed, into one contiguous parcel. The lot line adjustment/lot merger shall be recorded prior to issuance of building permits.
14. Prior to issuance of grading permits, the developer or successor in interest shall submit plans and obtain approvals for 14-foot high walls along the interior property lines adjacent to the emergency vehicle driveway fronting on Bay Avenue. The wall shall be stepped down in height to 36-inches within the 20-foot front setback along Bay Avenue.
15. Prior to mobilization on the property for grading activities, the developer shall obtain demolition permits for the foundation of the single family residence located at 21793 Bay Avenue and for the existing auto repair/tire shop located at 13906 Old 215 Frontage Road. The developer shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted on the structures proposed for demolition. If asbestos is found, the Project applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. The developer shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted on the structures proposed for demolition. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint, pursuant to Cal-OSHA regulations.

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 3

16. Notwithstanding the minimum improvement requirements for an emergency vehicular access road, the proposed 26-foot wide emergency vehicle access driveway along Bay Avenue shall be paved with asphalt or concrete, subject to review and approval by the Planning Official and City Engineer.
17. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. The plans shall be prepared in accordance with the City's Landscape Requirements to include a drought tolerant palette. (MVMC 9.17)
18. 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)
19. Photometric Plans shall be submitted to the Building and Safety Division for review and approval as part of the lighting and electrical building plan submittal.
20. 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.

Prior to Grading Permit

21. 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.
22. Prior to issuance of grading permits, the developer shall submit wall /fence plans to the Planning Division for review and approval as follows:
 - a. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - b. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - c. Proposed screening walls for truck loading areas and required loading docks shall also include decorative block walls with pilasters with a height up to fourteen (14) feet to fully screen trucks (industrial and some situations with commercial uses).
 - d. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (MC 9.08.070)
23. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 4

- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number.
24. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.
25. Prior to issuance of any grading permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the grading plans.
26. 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)
27. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

Prior to Building Permit

28. Prior to issuance of any building permit, all Conditions of Approval, Mitigation Measures and Airport Land Use Commission Conditions of Approval shall be printed on the building plans.
29. 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)
30. 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)
31. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
32. 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.
33. 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.

Building Division

34. 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.

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 5

35. Prior to submittal, all new development is required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
36. Contact the Building Safety Division for permit application submittal requirements.
37. The proposed project will be subject to approval by the Box Springs Mutual Water Company and all applicable fees and charges shall be paid prior to permit issuance. Contact the water company at 951.653.6419 for specific details.
38. 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 2016 California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
39. 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.
40. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
41. 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.
42. 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.
43. 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).
44. 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.
45. 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)
46. The proposed project is subject to approval by the Edgemont Community Services District and all applicable fees and charges shall be paid prior to permit issuance. Contact the Edgemont Community at (951)784-2632 for specific details.

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 6

ECONOMIC DEVELOPMENT DEPARTMENT (EDD)

47. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
48. 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.
49. New Moreno Valley businesses are encouraged to hire local residents.
50. 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.
51. 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**

52. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
53. 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)
54. 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)
55. 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)
56. 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)
57. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 7

58. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
59. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
60. 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.
61. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
62. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
63. 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])
64. 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])
65. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
66. 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)
67. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 8

- 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
68. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
 69. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
 70. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
 71. 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)
 72. 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)
 73. Prior to rough grading permits being issued, all off-site public water improvement plans shall fully installed and new fire flow test completed to verify the required fire flow of 2500 GPMs for a duration of 2HRs with a minimum residual pressure of 20 PSI.
 74. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
 75. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
 76. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
 77. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and /or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 105)
 78. 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.

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 9

FINANCIAL & MANAGEMENT SERVICES DEPARTMENTMoreno Valley Utility

79. 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.
80. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

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

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

PUBLIC WORKS DEPARTMENTLand Development

81. 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.
82. The developer shall comply with all applicable City ordinances and resolutions including the

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 10

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]

83. 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.
84. 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.

85. 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.
86. 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]
87. 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)]
88. 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]
89. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 11

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.

90. 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.
91. 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.
92. 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. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - b. Precise grading w/ erosion control plan (prior to building permit issuance);
 - c. Public Improvement Plan (e.g., street/storm drain w/ striping, RCFC storm drain, sewer/water, etc.)> (prior to encroachment permit issuance);
 - d. Final drainage study (prior to grading plan approval);
 - e. Final WQMP (prior to grading plan approval);
 - f. Legal documents (e.g., easement(s), dedication(s), lot line adjustment, vacation, etc.) (prior to building permit issuance);
 - g. As-Built revision for all plans (prior to Occupancy release);

Prior to Grading Plan Approval

93. Resolution of all drainage issues shall be as approved by the City Engineer.
94. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
95. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
96. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
 - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 12

- Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.
97. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.
- a. The Applicant has proposed to incorporate the use of <TYPE OF BMP>. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.
 - b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. <The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3>.
 - c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.
 - d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.
 - e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.
 - f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.
 - g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building and Safety Division.
98. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
 - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
99. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
100. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 13

guidance document for the Santa Ana region of Riverside County.

101. The developer shall submit recorded slope easements from adjacent property owners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
102. The developer shall pay all remaining plan check fees.
103. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
104. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
105. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

106. 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)]
107. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and /or public utility easements as may be relevant to the project.
108. 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.
109. The developer shall pay current DIF fees adopted by the City Council. [Ord. 695 § 1.1 (part), 2005] [MC 3.38.030, 040, 050]
110. A digital (pdf) copy of all approved grading plans shall be submitted to the Land Development Division.
111. 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)]
112. 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]
113. The developer shall pay all applicable inspection fees.
114. The developer shall pay current TUMF fees adopted by the City Council. [Ord. 835 § 2.1, 2012] [MC 3.44.060]

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 14

Prior to Improvement Plan Approval

115. 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.
116. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
117. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project.
118. 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.
119. 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.
120. 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]
121. 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.
122. 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 23 feet for Old 215 Frontage Rd. and half-street width plus 18 feet for Bay Ave., 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.
123. 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.
124. 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.
125. 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

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 15

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

126. A digital (pdf) copy of all approved improvement plans shall be submitted to the Land Development Division.
127. All applicable inspection fees shall be paid.
128. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]
129. 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.
130. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

131. 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.
132. For non-subdivision projects, 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.
133. For non-subdivision projects, the developer shall guarantee the completion of all related public improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
134. For non-subdivision projects, 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.
135. 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.
136. 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.
137. 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

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 16

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.

138. 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.

Prior to Occupancy

139. All outstanding fees shall be paid.
140. 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.
141. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
142. 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]
143. 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.
144. 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).

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 17

- 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.
145. 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

146. Developer shall construct a raised, landscaped median on Old 215 Frontage Road per City Standard No. MVSI-103A-0, its details to the satisfaction of the City Engineer, from Bay Avenue to Alessandro Boulevard. The raised, landscaped median shall be included in the Street Improvement Plans as well as a separate Landscape Median Plan for the City's review and approval. An encroachment from the City of Riverside will be required for the westerly half of the median located outside of the City of Moreno Valley's city limits. If there are jurisdictional delays which jeopardizes the developer's good faith efforts to complete construction of the raised landscaped median, the City and developer shall agree upon a means of security to ensure completion of the median prior to issuance of certificate of occupancy.
147. As a result of constructing a BSMWC 12 inch waterline approximately 10 linear feet north of centerline on Bay Avenue, Developer shall repair the existing approximately 12 linear feet of existing pavement north of centerline from the east right of way of Old 215 Frontage Rd. to approximately 300 linear feet east of the project boundary, approximately 535 linear feet, per City Standard Plan MVSI-132E-1. Developer shall also provide a slurry seal coat over the north and south lanes of Bay Avenue from centerline of Edgemont Street to the east boundary.

Special Districts Division

148. CFD 2014-01. If a landscape median is required and prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an association to fund the services or fund an endowment) to provide an ongoing funding source for Landscape Maintenance Services for public parkway, traffic circle, open space, and /or median landscaping on Old 215 Frontage Road.

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

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 18

consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

149. NPDES Funding. Prior to applying for the 1st Building Permit and if the Land Development Division requires this project to provide a funding source for the City's National Pollutant Discharge Elimination System (NPDES) program, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the balloting/annexation fee or fund an endowment) to provide an ongoing funding source for the NPDES program. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful special election process into the NPDES program, or other special financing district, and payment of all costs associated with the special election process. Participation in the NPDES program requires an annual payment of the annual special tax, assessment, rate 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 City Council action to consider the ballot/annexation into or formation of the district, the qualified elector(s) will not protest the ballot/annexation or formation, but will retain the right to object to any eventual tax/assessment/rate/fee that is not equitable should the financial burden of the tax/assessment/rate/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. (MC 3.50.050). Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.
150. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 19

means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

151. **Public Safety Funding.** Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

152. If a landscape median is required, parkway, open space, traffic circle, and /or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the approved landscape plans and completed prior to the issuance of the first Certificate of Occupancy/Building Final for this project.
153. **Maintenance Period.** If a landscape median is required, then the Developer, or the Developer's successors or assignees shall be responsible for all parkway, traffic circle, open space and/or median landscape maintenance and utility costs, etc. for a period no less than one (1) year commencing from the time all items of work have been completed to the satisfaction of Landscape Services staff as per the City of Moreno Valley Public Works

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 20

- Department Landscape Design Guidelines, or until such time as the City accepts maintenance responsibilities.
154. ECSD Street Light Acknowledgement. Prior to the 1st Certificate of Occupancy, the Developer must submit an acknowledgement from Edgemont Community Services District confirming it has accepted all street lights required to be installed by this project into its system for ongoing maintenance. Said acknowledgement must be emailed to SDAdmin@moval.org. ECSD can be reached at 951.784.2411, P.O. Box 5436, Riverside, CA 92514.
 155. Independent Utilities. If a landscape median is required, parkway, median, slope, traffic circle and/or open space landscape areas included within a special financing district are required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas that are not within the same CFD 2014-01 tax rate layers or funding program (e.g. NPDES) will not be permitted.
 156. Landscape Inspection Fees. If a landscape median is required, inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained landscaping are due prior to the required pre -construction meeting. (MC 3.32.040)
 157. Landscape Guidelines. If a landscape median is required, plans for parkway, median, slope, traffic circle, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org or from Landscape Services (951.413.3480 or SDLandscape@moval.org).
 158. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
 159. Landscape Plan Check Fees. If a landscape median is required, plan check fees for review of parkway/median, open space, and/or traffic circle landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
 160. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 21

proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

161. **Park Maintenance Funding.** Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation /formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951. 413. 3470 or at SDAdmin@moval.org to satisfy this condition.

Transportation Engineering Division

162. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
163. All project driveways shall conform to City of Moreno Valley Standard Plans No. MVS1-112C-0 for Commercial Driveway Approaches. Access at the driveways shall be allowed as follows:
- Old 215 Frontage Road driveways: right-turn in/out only. Access restriction shall be accomplished with the construction of a raised median on Old 215 Frontage Road.
 - Bay Avenue driveway: emergency vehicles only.
164. Any gated entrance shall be provided with the following:
- A storage lane with a minimum of 75 feet queuing length for entering traffic.
 - Signing and striping
 - A separate pedestrian entry.

All of these features must be kept in working order.

CONDITIONS OF APPROVAL

Plot Plan for Building F (PEN21-0110)

Page 22

165. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
166. Old 215 Frontage Road is designated as a 4-Lane Divided Arterial (110'RW/86'CC) per City Standard Plan No. MVSI-103A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement north and south of the project site.
167. Bay Avenue is designated as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. MVSI-106A-0. Any improvements undertaken by this project shall be consistent with the City's standards for this facility. Additional improvements shall be required to transition from ultimate street width along the project frontage to existing edge of pavement east and west of the project site.
168. Prior to final approval of any grading, landscape, monument sign, or street improvement plans, the project plans shall demonstrate that sight distance at the project driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.
169. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets along the project frontages. 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.
170. 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 concrete median on Old 215 Frontage Road along the project frontage.
171. 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 Traffic Engineer.
172. Prior to issuance of Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
173. Prior to issuance of Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.
174. Prior to issuance of Certificate of Occupancy, raised median improvement on Old 215 Frontage Road along the project frontage shall be completed and fully operational per the approved plans to the satisfaction of the City Engineer. Median construction shall include but not be limited to: paving, concrete curbs, signing/striping, and landscaping. Exact requirements will be determined during the plan check process.

Old 215 Frontage Road Moreno Valley, California PEN21-0105

ALL CONSTRUCTION SHALL CONFORM WITH ALL APPLICABLE LOCAL STATE AND FEDERAL CODES REGULATION AND LAWS, INCLUDING, BUT NOT LIMITED TO:

- BUILDING 2019 CALIFORNIA BUILDING CODE
- MECHANICAL 2019 CALIFORNIA MECHANICAL CODE
- PLUMBING 2019 CALIFORNIA PLUMBING CODE
- ELECTRICAL 2019 CALIFORNIA ELECTRICAL CODE
- FIRE 2019 CALIFORNIA FIRE CODE
- ACCESSIBILITY 2019 CALIFORNIA BUILDING CODE, CHAPTER 11B
- ENERGY 2019 CALIFORNIA ENERGY CODE
- HEALTH 2019 GREEN BUILDING STANDARDS CODE

APPLICABLE CODES

ARCHITECTURAL

- A-1 COVER SHEET
- A-2 PRELIMINARY SITE PLAN
- A-2A PRELIMINARY SITE PLAN (TRUCK TURNING)
- A-2B PRELIMINARY SITE PLAN (FIRE APPARATUS ACCESS)
- A-3 BUILDING A FLOOR PLAN
- A-4 BUILDING B FLOOR PLAN
- A-5 BUILDING C FLOOR PLAN
- A-6 BUILDING D FLOOR PLAN
- A-7 BUILDING E FLOOR PLAN
- A-8 BUILDING F FLOOR PLAN
- A-9 BUILDING A ROOF PLAN
- A-10 BUILDING B ROOF PLAN
- A-11 BUILDING C ROOF PLAN
- A-12 BUILDING D ROOF PLAN
- A-13 BUILDING E ROOF PLAN
- A-14 BUILDING F ROOF PLAN
- A-15 BUILDING A ELEVATIONS
- A-16 BUILDING B ELEVATIONS
- A-17 BUILDING C ELEVATIONS
- A-18 BUILDING D ELEVATIONS
- A-19 BUILDING E ELEVATIONS
- A-20 BUILDING F ELEVATIONS

LANDSCAPE

- L-1 CONCEPTUAL LANDSCAPE PLAN

CIVIL

- 1 OF 4 CONCEPTUAL GRADING PLAN TITLE SHEET
- 2 OF 4 CONCEPTUAL GRADING PLAN DETAILS & SECTIONS
- 3 OF 4 CONCEPTUAL GRADING PLAN
- 2 OF 4 CONCEPTUAL GRADING PLAN

APN: 263-220-008, 263-220-027, 263-220-029, 263-220-028, 263-220-009, 263-220-017, 263-220-018, 263-220-004, 263-220-023, & 263-230-002
REFER TO CONCEPTUAL GRADING PLAN TITLE SHEET (SHEET 1 OF 2) FOR FULL LEGAL DESCRIPTIONS

ALUCP: 65 CNEL - ZONE B1 - APZ-II

FEMA FLOOD ZONE: ZONE X (OTHER AREAS)

LAND USE: BP (BUSINESS PARK)

OCCUPANCY GROUP: S-1, B

CONSTRUCTION TYPE: III-B (BUILDINGS A & D) V-B (BUILDINGS B, C, E, & F)

DESCRIPTION OF WORK:

THIS DEVELOPMENT CONSISTS OF SIX TILT-UP CONCRETE WAREHOUSE BUILDINGS, TOTALING 197,008 S.F. (INCLUDING 18,000 S.F. OF FUTURE ACCESSORY OFFICE AREA). TRASH AND RECYCLING BINS WILL BE CONTAINED WITHIN A TRASH ENCLOSURE CONSTRUCTED OF CONCRETE WITH STEEL GATES TO SCREEN BINS FROM VIEW.

AUTOMOBILE PARKING IS PROVIDED THROUGHOUT THE SITE.

A FIRE APPARATUS ACCESS LANE THROUGH THE SITE TO PROVIDE ACCESS AT EACH BUILDING WILL BE MAINTAINED AT ALL TIMES. GATES WILL INCLUDE KNOX PADLOCK TO PROVIDE FIRE DEPARTMENT ACCESS.

GROSS LOT AREA:	499,225 sf ± 11.46 acres	PARKING REQUIRED:	223 spaces
NET LOT AREA:	488,781 sf ± 11.22 acres	OFFICES: 1/250 sf of gross floor area	
TOTAL BUILDING AREA:	196,759 sf	WAREHOUSE: 1/1k sf 1st 20k sf; 1/2k 2nd 20k sf; 1/4k sf over 40k sf	
BUILDING A:	49,981 sf	BUILDING A:	48 spaces
WAREHOUSE:	47,981 sf	OFFICE:	16 spaces
OFFICE:	2,000 sf	BUILDING B:	32 spaces
BUILDING B:	26,330 sf	OFFICE:	22 spaces
WAREHOUSE:	23,830 sf	BUILDING C:	34 spaces
OFFICE:	2,500 sf	WAREHOUSE:	24 spaces
BUILDING C:	29,662 sf	OFFICE:	10 spaces
WAREHOUSE:	27,162 sf	BUILDING D:	47 spaces
OFFICE:	2,500 sf	WAREHOUSE:	16 spaces
BUILDING D:	44,005 sf	OFFICE:	31 spaces
WAREHOUSE:	42,005 sf	BUILDING E:	21 spaces
OFFICE:	2,000 sf	WAREHOUSE:	10 spaces
BUILDING E:	23,530 sf	OFFICE:	31 spaces
WAREHOUSE:	21,030 sf	BUILDING F:	21 spaces
OFFICE:	2,500 sf	WAREHOUSE:	10 spaces
BUILDING F:	23,251 sf	OFFICE:	
WAREHOUSE:	20,751 sf	PARKING PROVIDED:	235 spaces
OFFICE:	2,500 sf	STANDARD:	223 spaces
		ACCESSIBLE:	12 spaces
OVERALL SITE COVERAGE (ON NET):	40.26 %	DOCK DOORS:	23 spaces
		TRAILER PARKING:	23 spaces

OWNER / APPLICANT

PHELAN DEVELOPMENT
450 NEWPORT CENTER DRIVE
SUITE 405
NEWPORT BEACH, CA 92660
PHONE: (949) 531-6627
kdearmey@phelandevco.com

ARCHITECT

CARLILE COATSWORTH ARCHITECTS, INC.
18600 MACARTHUR BOULEVARD
SUITE 300
IRVINE, CA 92612
PHONE: (949) 833-1930
jamiep@ccarchitects.com

LANDSCAPE ARCHITECT

SCOTT PETERSON
LANDSCAPE ARCHITECT, INC.
2883 VIA RANCHEROS WAY
FALLBROOK, CA 92028
PHONE: (760) 842-8993
scott@splainc.com

CIVIL ENGINEER

SB & O, INC.
41689 ENTERPRISE CIRCLE NORTH
SUITE 120
TEMECULA, CA 92590
PHONE: (951) 695-8900
donbrooks@sboinc.com



SHEET INDEX

PROJECT SUMMARY

PROJECT TEAM

VICINITY MAP

SCALE: NOT TO SCALE

January 14, 2022

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California

A-1

APN's: 263-220-008, 263-220-027, 263-220-029, 263-220-028, 263-220-009, 263-220-017, 263-220-018, 263-220-004, 263-220-023, 263-220-002

EXISTING USE: VACANT / COMMERCIAL
PROPOSED USE: INDUSTRIAL PARK
ZONING: BP

GROSS LOT AREA: 499,225 sf ±
11.46 acres
NET LOT AREA: 488,781 sf ±
11.22 acres

TOTAL BUILDING AREA: 196,759 sf
BUILDING A: 49,981 sf
WAREHOUSE: 47,981 sf
OFFICE: 2,000 sf
BUILDING B: 26,330 sf
WAREHOUSE: 23,830 sf
OFFICE: 2,500 sf
BUILDING C: 29,662 sf
WAREHOUSE: 27,162 sf
OFFICE: 2,500 sf
BUILDING D: 44,005 sf
WAREHOUSE: 42,005 sf
OFFICE: 2,000 sf
BUILDING E: 23,530 sf
WAREHOUSE: 21,030 sf
OFFICE: 2,500 sf
BUILDING F: 23,251 sf
WAREHOUSE: 20,751 sf
OFFICE: 2,500 sf

SITE COVERAGE (on net): 40.26 %

PARKING REQUIRED 223 spaces
OFFICES: 1/250 sf of gross floor area
WAREHOUSE: 1/1k sf 1st 20k sf; 1/2k 2nd 20k sf; 1/4k sf over 40k sf
BUILDING A: 48 spaces
WAREHOUSE: 32 spaces
OFFICE: 16 spaces
BIKE: 3 spaces
BUILDING B: 32 spaces
WAREHOUSE: 22 spaces
OFFICE: 10 spaces
BIKE: 2 spaces
BUILDING C: 34 spaces
WAREHOUSE: 24 spaces
OFFICE: 10 spaces
BIKE: 2 spaces
BUILDING D: 47 spaces
WAREHOUSE: 31 spaces
OFFICE: 16 spaces
BIKE: 3 spaces
BUILDING E: 31 spaces
WAREHOUSE: 21 spaces
OFFICE: 10 spaces
BIKE: 2 spaces
BUILDING F: 31 spaces
WAREHOUSE: 21 spaces
OFFICE: 10 spaces
BIKE: 2 spaces

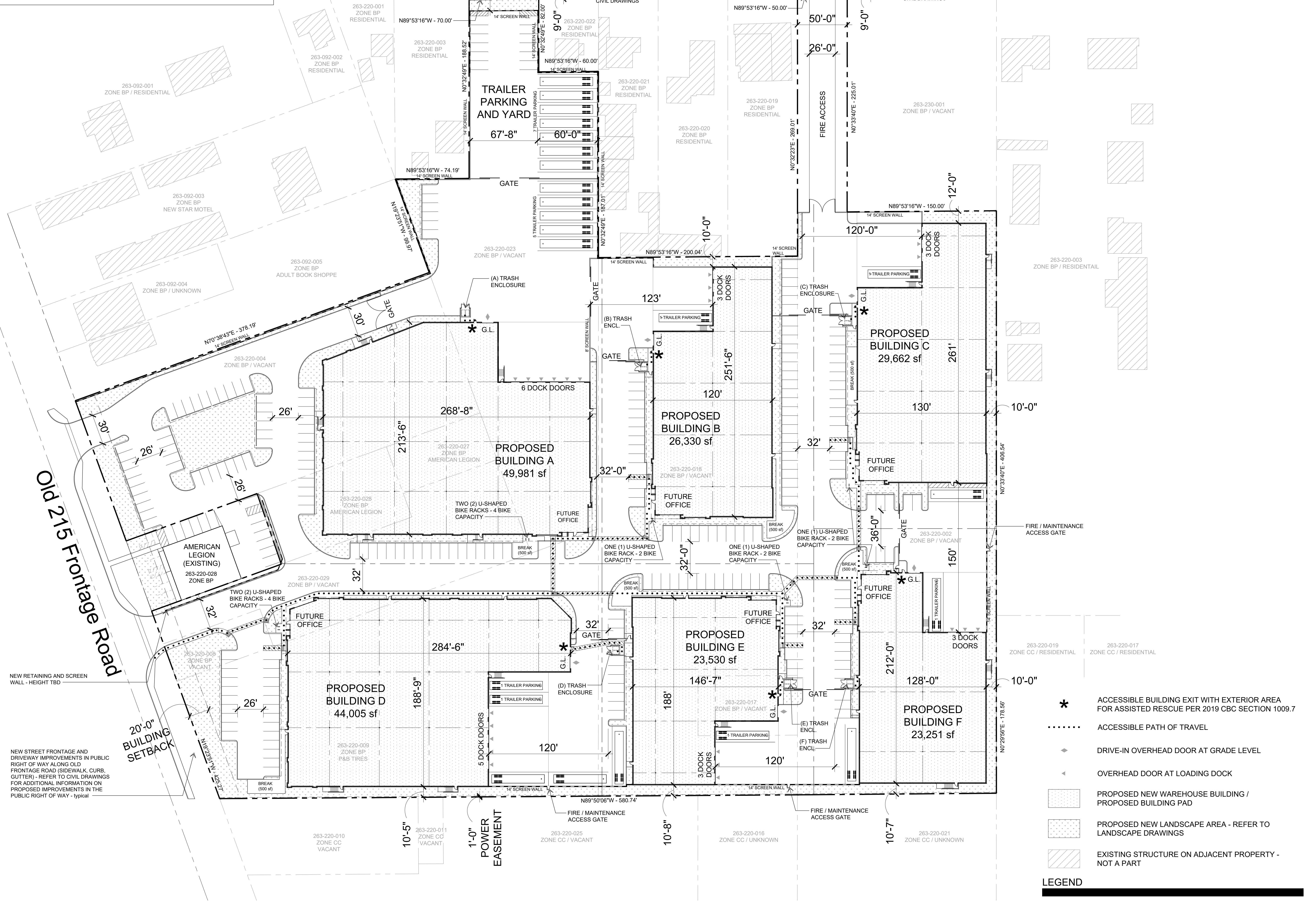
PARKING PROVIDED: 235 spaces
STANDARD: 223 spaces
ACCESSIBLE: 12 spaces

TRAILER PARKING REQUIRED: 23 spaces
(1 SPACE PER DOCK DOOR)
TRAILER PARKING PROVIDED: 23 spaces

LANDSCAPE PROVIDED: (10.3% of Net Lot Area) 50,402 sf

DOCK DOOR RATIO: 1 / 8,565 sf (23 DOCK DOORS)
BUILDING A: 1 / 8,330 sf (6 DOCK DOORS)
BUILDING B: 1 / 8,775 sf (3 DOCK DOORS)
BUILDING C: 1 / 9,885 sf (3 DOCK DOORS)
BUILDING D: 1 / 8,800 sf (5 DOCK DOORS)
BUILDING E: 1 / 7,840 sf (3 DOCK DOORS)
BUILDING F: 1 / 7,750 sf (3 DOCK DOORS)

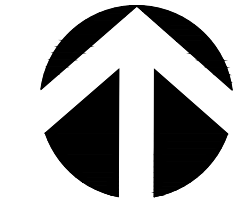
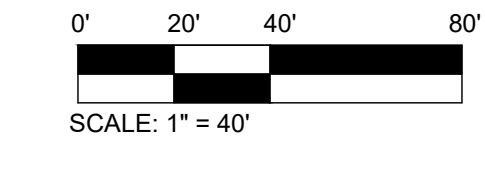
9 March 2022 p:\2019\19500 phelan development\19500.26-bay and day phase\planning package\19500.26 preliminary site plan.dwg



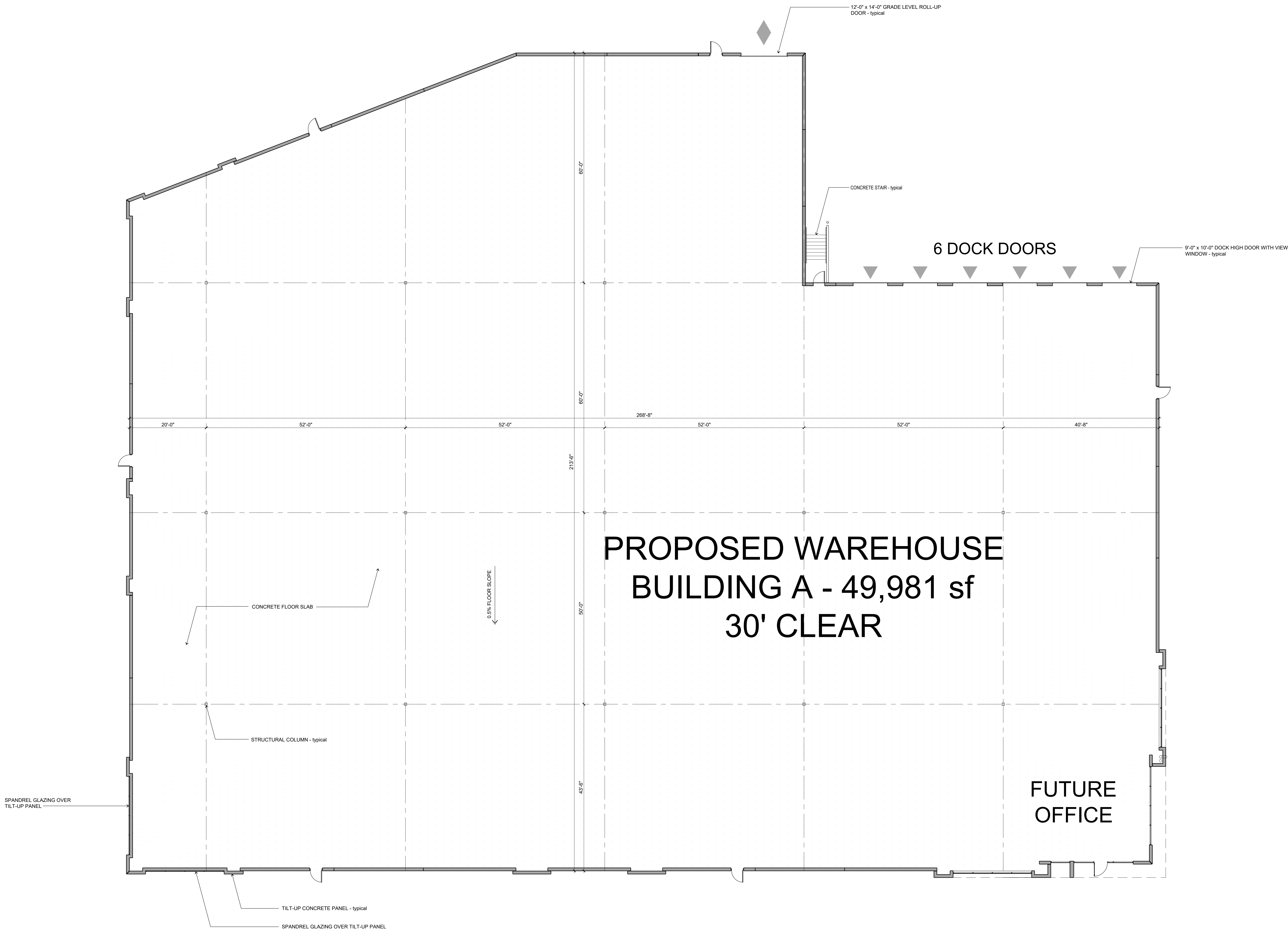
PRELIMINARY SITE PLAN

March 9, 2022

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California



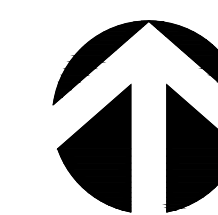
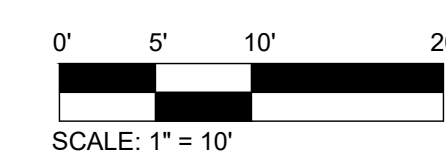
- * ACCESSIBLE BUILDING EXIT WITH EXTERIOR AREA FOR ASSISTED RESCUE PER 2019 CBC SECTION 1009.7
- ACCESSIBLE PATH OF TRAVEL
- ◆ DRIVE-IN OVERHEAD DOOR AT GRADE LEVEL
- ▲ OVERHEAD DOOR AT LOADING DOCK
- [Pattern] PROPOSED NEW WAREHOUSE BUILDING / PROPOSED BUILDING PAD
- [Pattern] PROPOSED NEW LANDSCAPE AREA - REFER TO LANDSCAPE DRAWINGS
- [Pattern] EXISTING STRUCTURE ON ADJACENT PROPERTY - NOT A PART

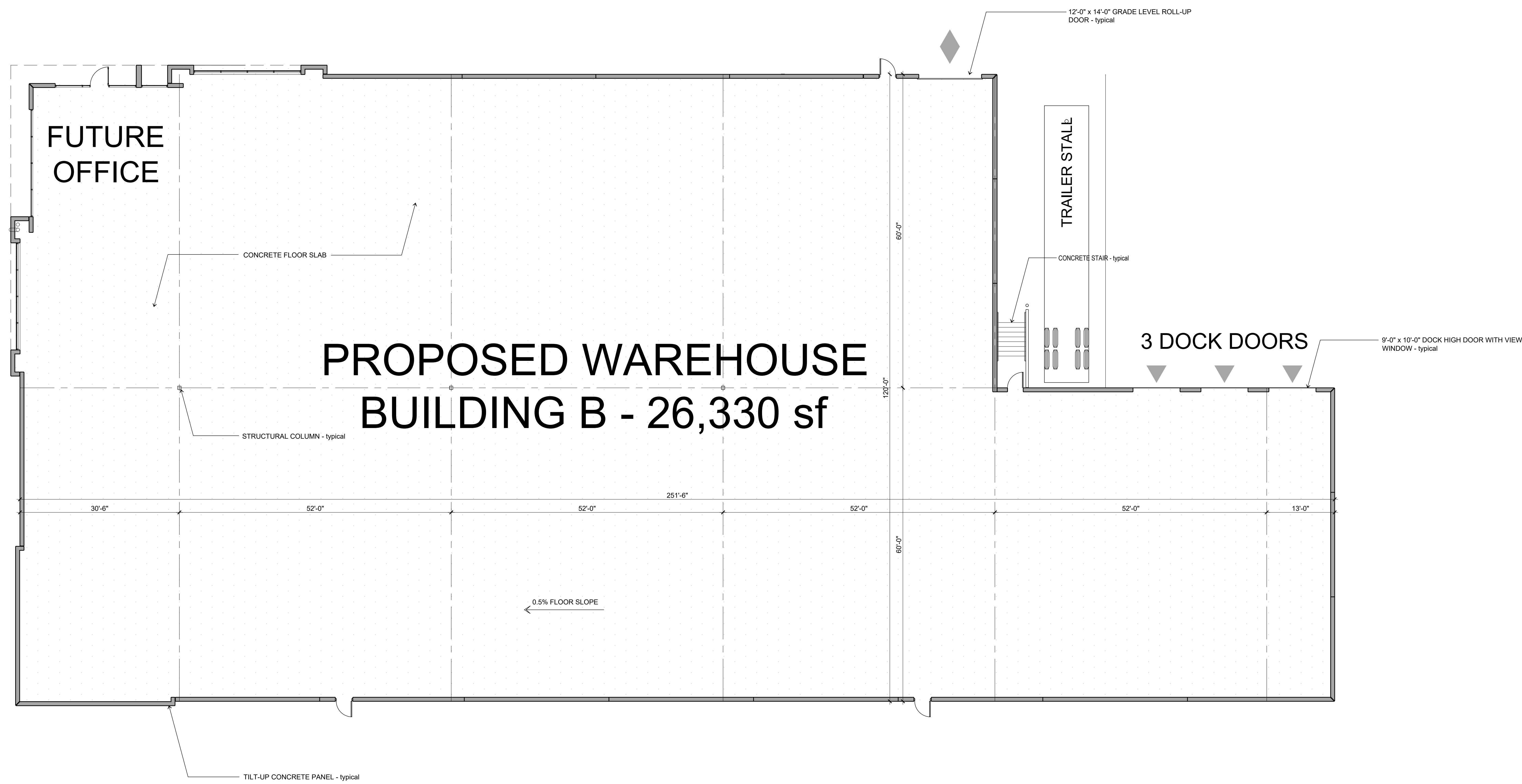


BUILDING A FLOOR PLAN

March 9, 2022

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California

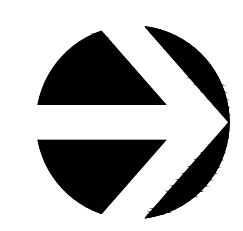
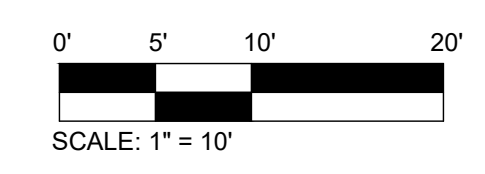




BUILDING B FLOOR PLAN

March 9, 2022

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California



PHELAN
DEVELOPMENT
450 Newport Center Drive, Suite 405
Newport Beach, CA 92660

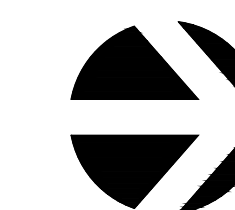
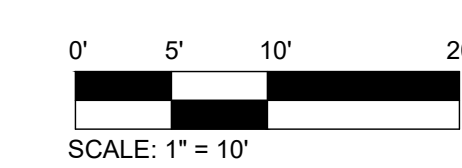
A-4

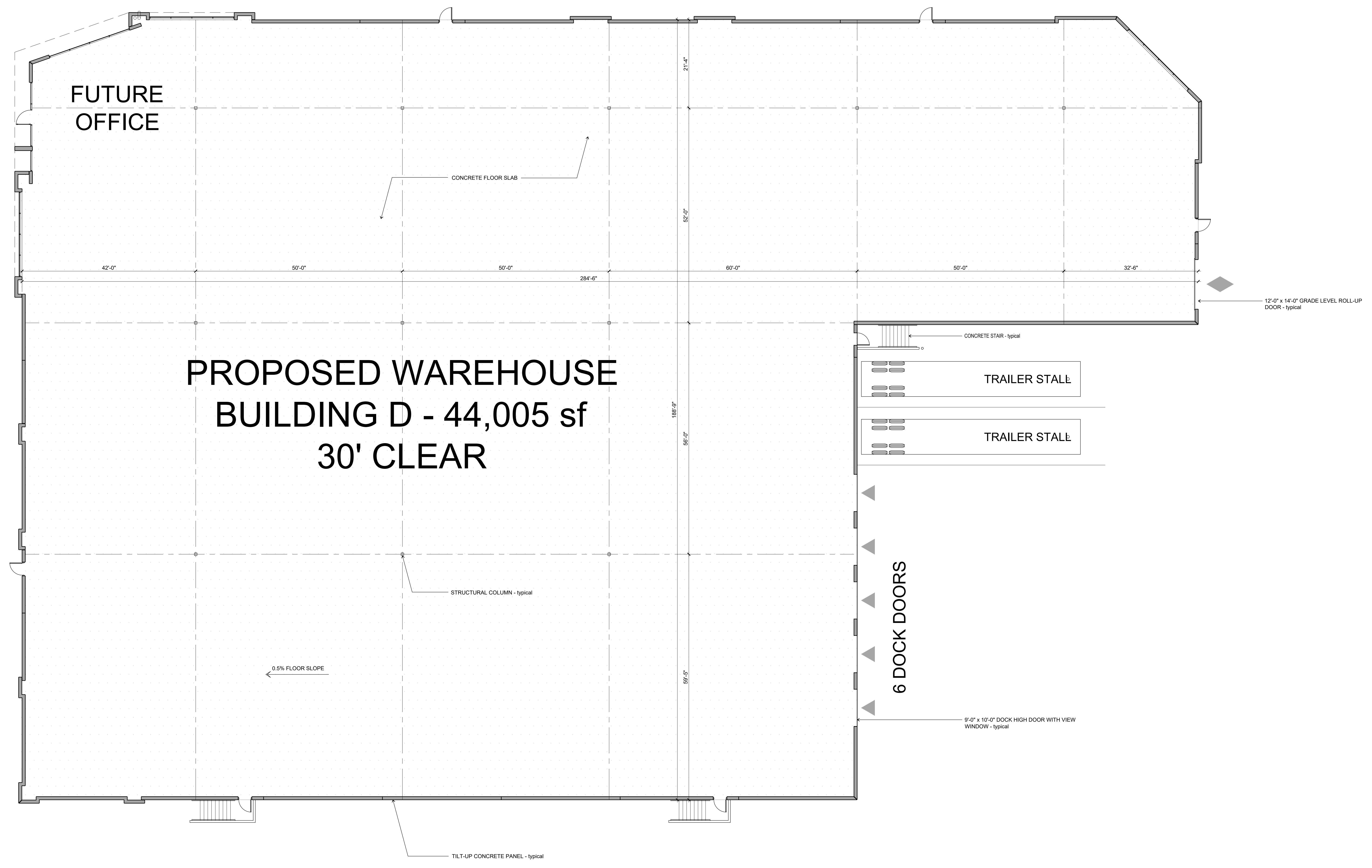


BUILDING C FLOOR PLAN

March 9, 2022

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California

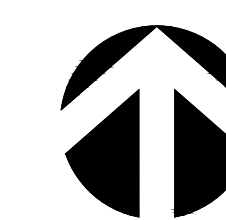
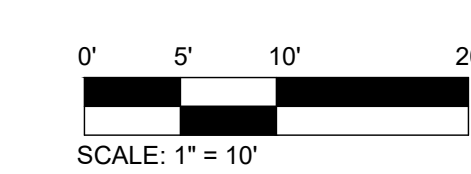


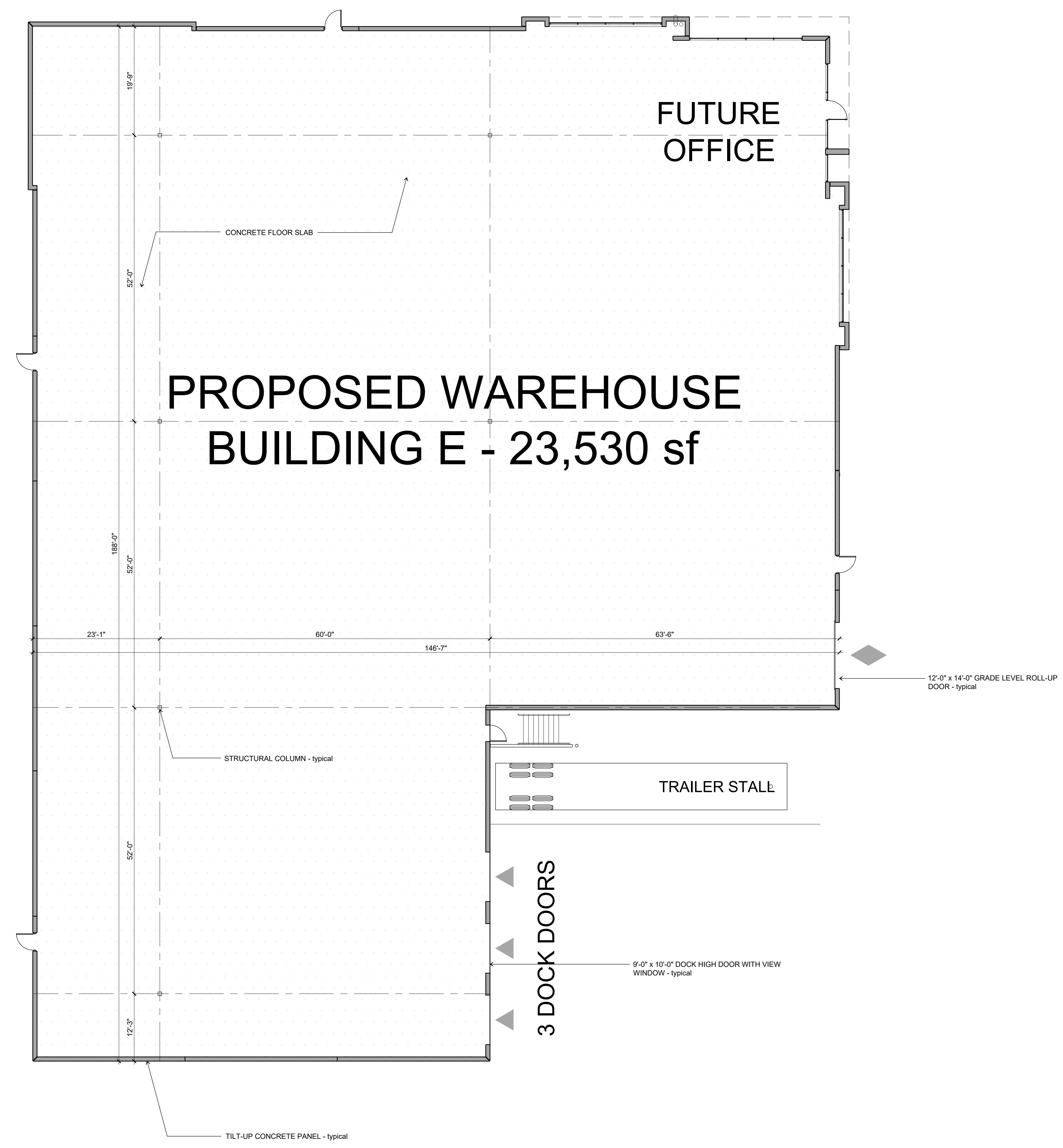


BUILDING D FLOOR PLAN

March 9, 2022

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California

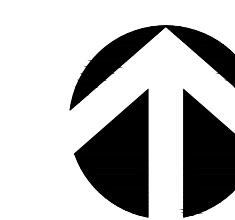
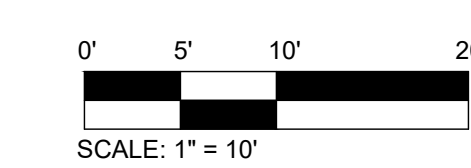


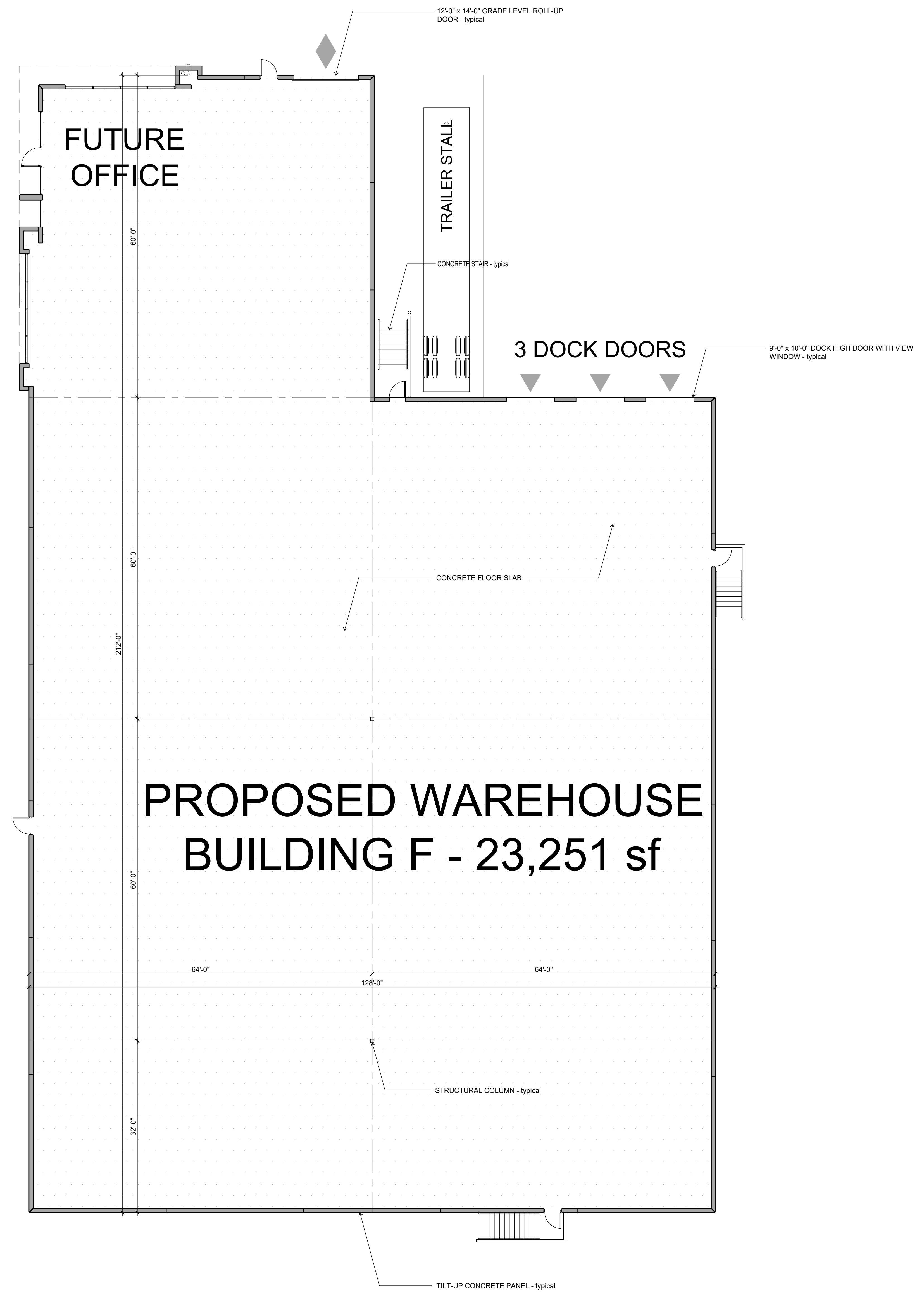


BUILDING E FLOOR PLAN

March 9, 2022

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California



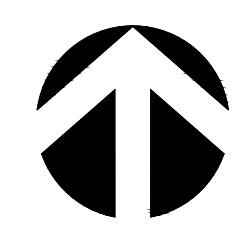
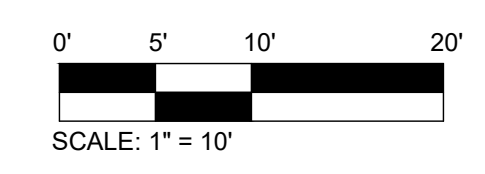


**PROPOSED WAREHOUSE
BUILDING F - 23,251 sf**

BUILDING F FLOOR PLAN

March 9, 2022

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California

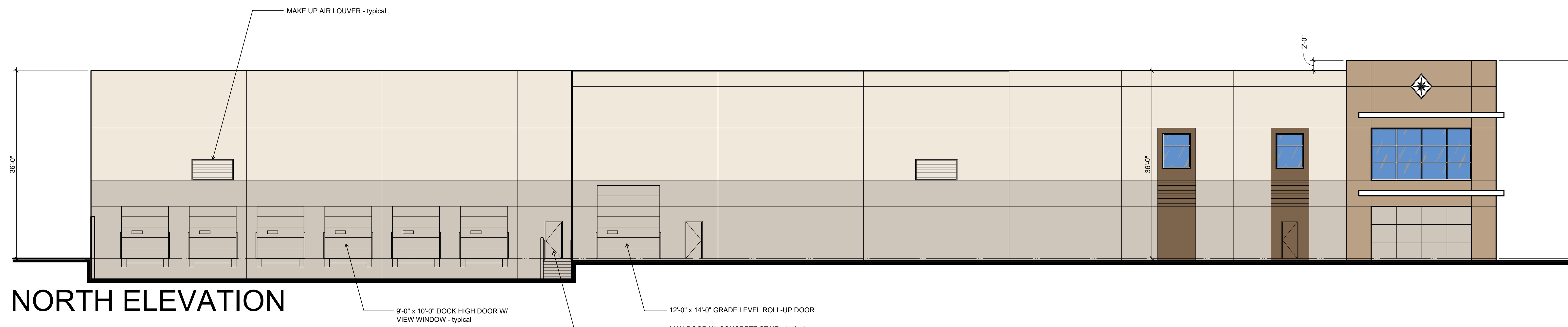


PHELAN
DEVELOPMENT
450 Newport Center Drive, Suite 405
Newport Beach, CA 92660

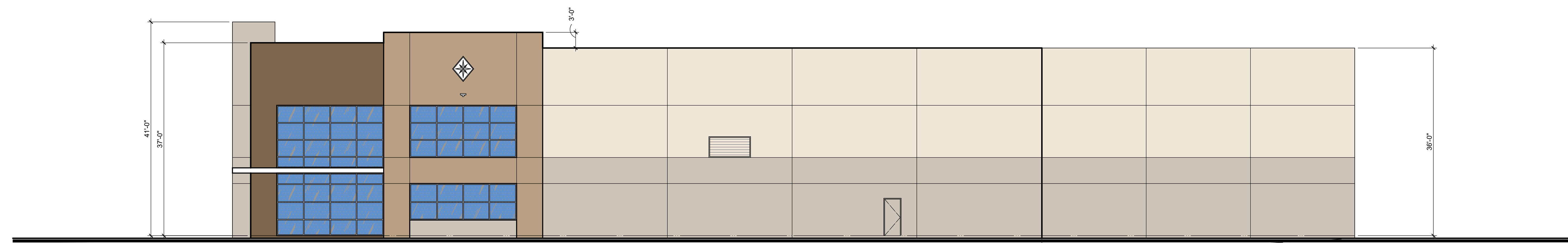
PROJECT: 185000 - 23,251 SF WAREHOUSE & BUILDING ELEVATIONS.dwg
 DATE: 03/09/2022 10:58 AM
 USER: CARLILE COATSWORTH ARCHITECTS, INC.
 PLOT SCALE: 1" = 10'
 PLOT DATE: 03/09/2022 10:58 AM
 PLOT USER: CARLILE COATSWORTH ARCHITECTS, INC.

Carlile Coatsworth Architects, Inc
18500 MacArthur Boulevard • Suite 300 • Irvine, CA 92612 • Phone: (949) 633-1830

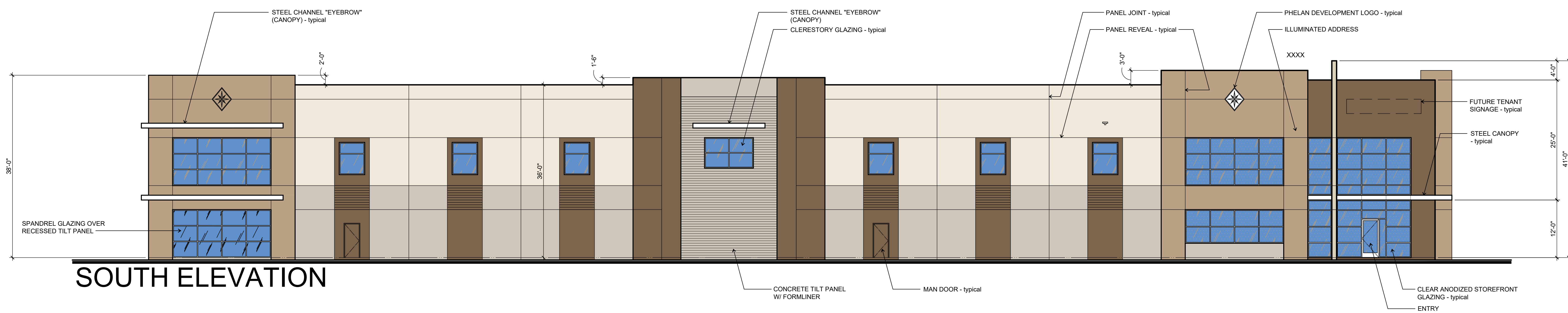
Attachment: Project Plans (5742 - Master Plot Plan (including Building A) and five Plot Plans (Buildings B through F) for six warehouse)



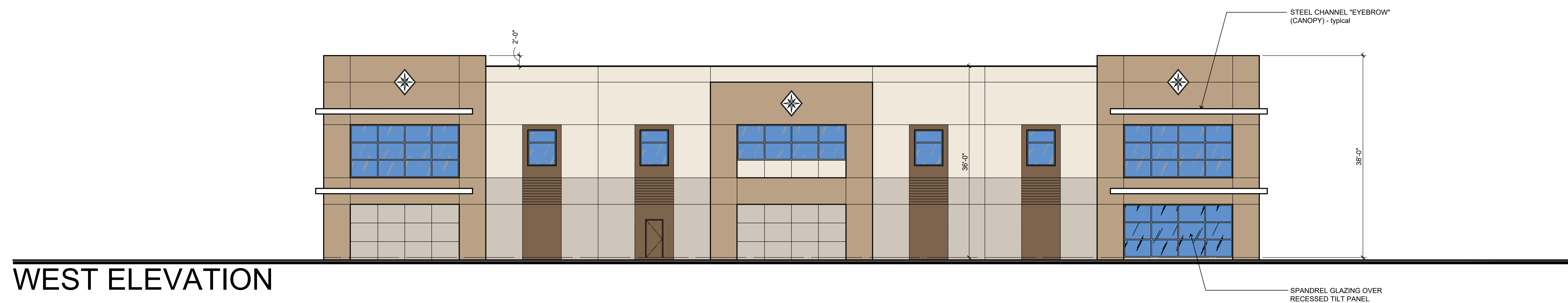
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

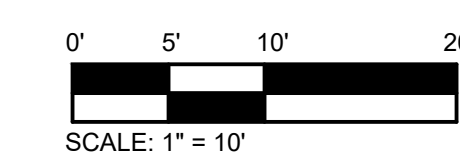
- TILT-UP CONCRETE WALL PANEL
FIELD COLOR
SHERWIN WILLIAMS - #7012 - CREAMY
- TILT-UP CONCRETE WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #7043 - WORLDLY GRAY
- TILT-UP CONCRETE SCREEN WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #6108 - LATTE
- TILT-UP CONCRETE SCREEN WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #6103 - TEA CHEST
- 1\"/>

LEGEND

BUILDING A ELEVATIONS

September 17, 2021

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California

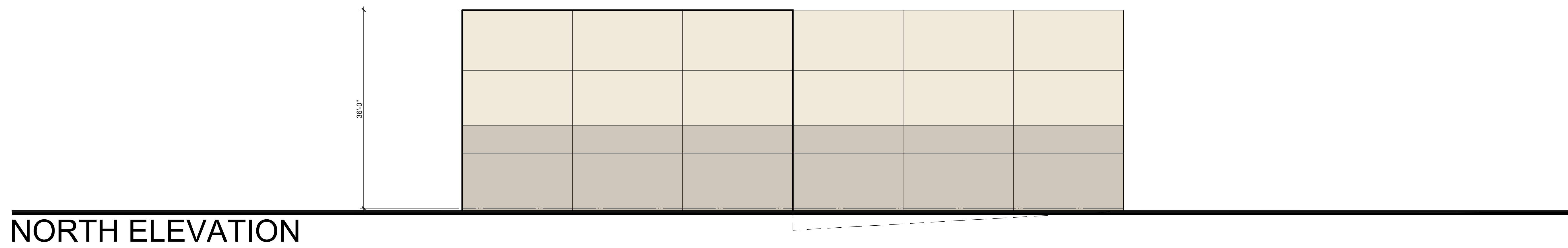


A-15

PHELAN
DEVELOPMENT
450 Newport Center Drive, Suite 405
Newport Beach, CA 92660

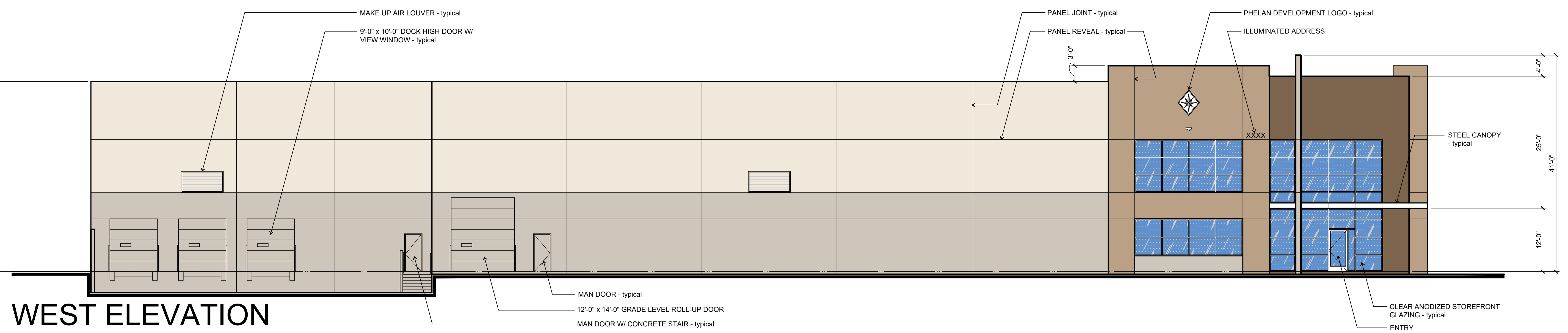
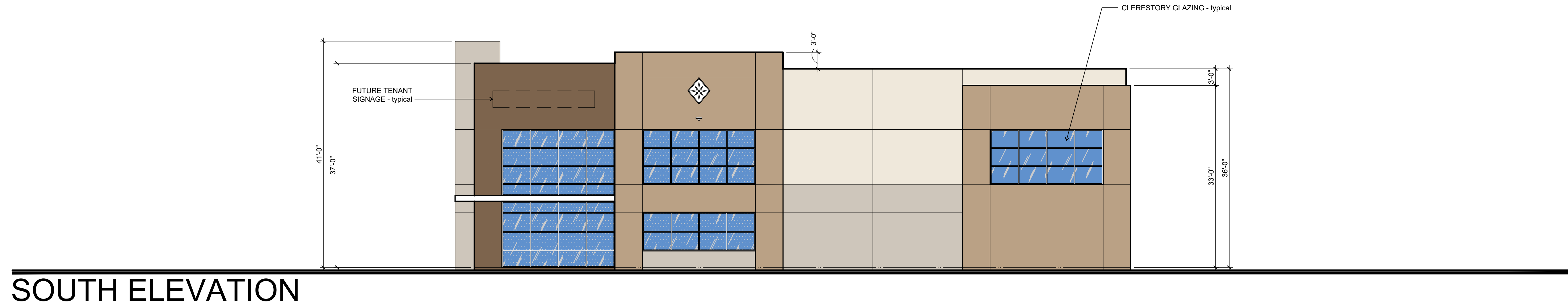
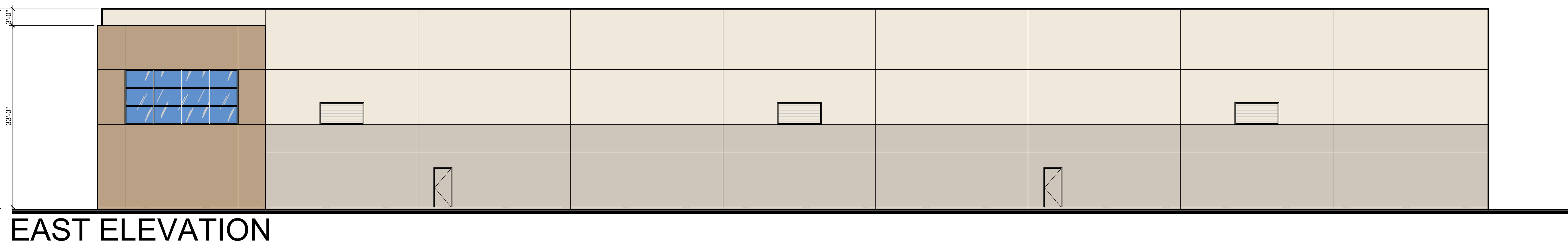
Carlisle Coatsworth Architects, Inc.
18600 Moorpark Boulevard • Suite 300 • Irvine, CA 92612 • Phone: (949) 533-1500

Attachment: Project Plans (5742 - Master Plot Plan (including Building A) and five Plot Plans (Buildings B through F) for six warehouses)



LEGEND

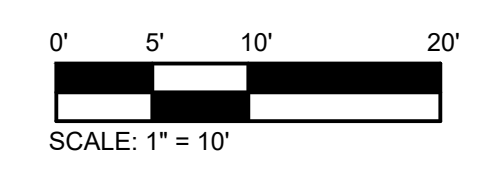
	P	TILT-UP CONCRETE WALL PANEL FIELD COLOR SHERWIN WILLIAMS - #7012 - CREAMY
	P	TILT-UP CONCRETE WALL PANEL ACCENT COLOR SHERWIN WILLIAMS - #7043 - WORLDLY GRAY
	P	TILT-UP CONCRETE SCREEN WALL PANEL ACCENT COLOR SHERWIN WILLIAMS - #6108 - LATTE
	P	TILT-UP CONCRETE SCREEN WALL PANEL ACCENT COLOR SHERWIN WILLIAMS - #6103 - TEA CHEST
	G	1" INSULATED DUAL PANE MEDIUM PERFORMANCE PPG VISTACOOL PACIFICA GLAZING CLEAR ANODIZED ALUMINUM MULLIONS
	G	1/4" MEDIUM PERFORMANCE PPG VISTACOOL PACIFICA GLAZING CLEAR ANODIZED ALUMINUM MULLIONS

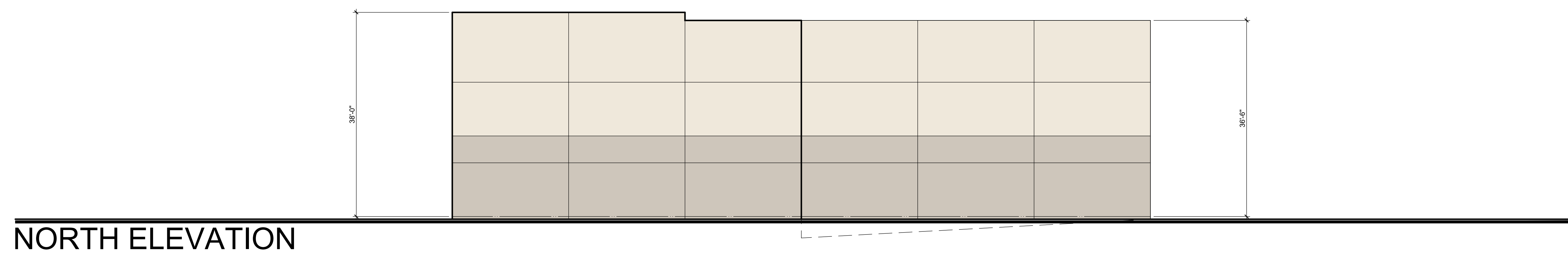


BUILDING B ELEVATIONS





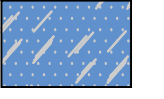
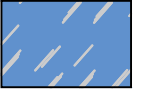
August 27, 2021

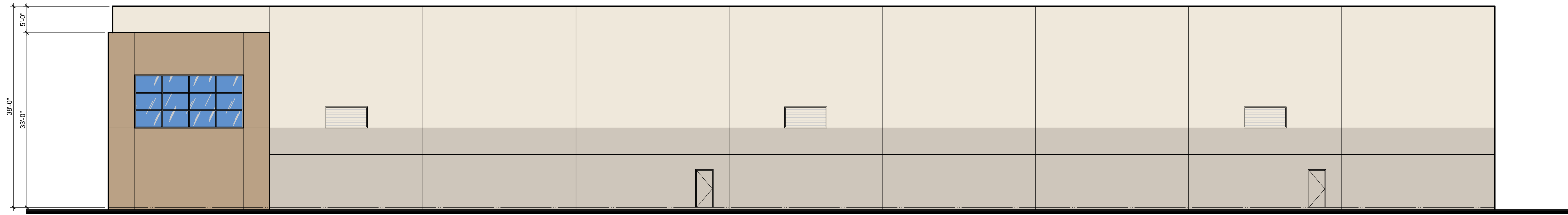
Old 215 Frontage Road and Bay Avenue
Moreno Valley, California



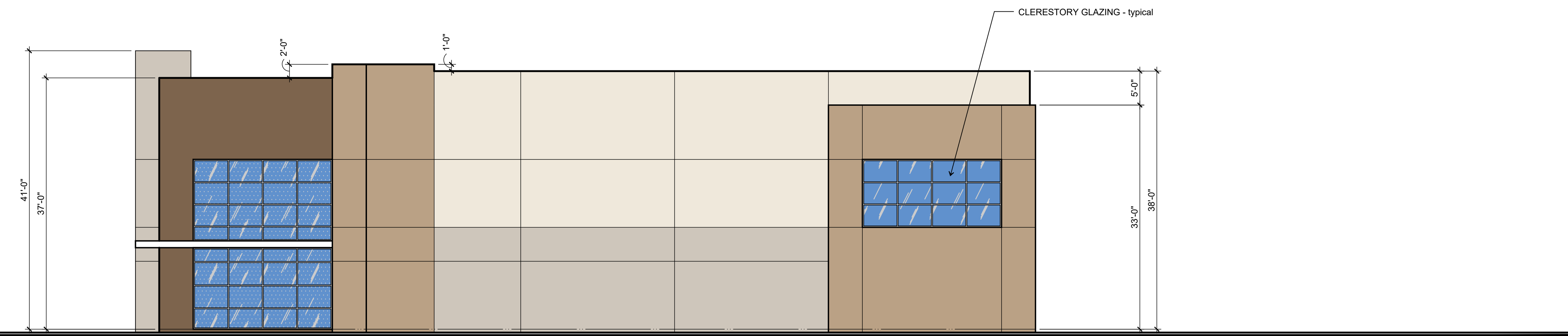


NORTH ELEVATION

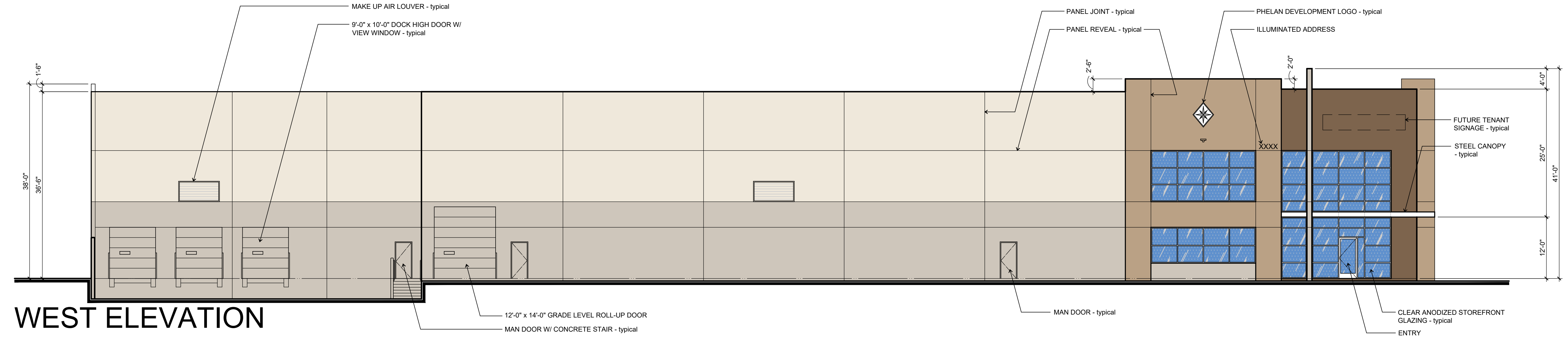
- LEGEND**
-  TILT-UP CONCRETE WALL PANEL
FIELD COLOR
SHERWIN WILLIAMS - #7012 - CREAMY
 -  TILT-UP CONCRETE WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #7043 - WORLDLY GRAY
 -  TILT-UP CONCRETE SCREEN WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #6108 - LATTE
 -  TILT-UP CONCRETE SCREEN WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #6103 - TEA CHEST
 -  1" INSULATED DUAL PANE MEDIUM PERFORMANCE
PPG VISTACOOL PACIFICA GLAZING
CLEAR ANODIZED ALUMINUM MULLIONS
 -  1/4" MEDIUM PERFORMANCE
PPG VISTACOOL PACIFICA GLAZING
CLEAR ANODIZED ALUMINUM MULLIONS



EAST ELEVATION



SOUTH ELEVATION

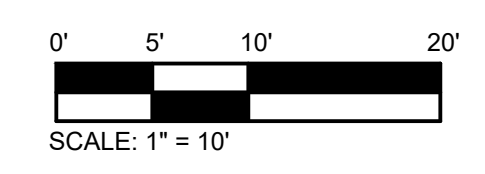


WEST ELEVATION

BUILDING C ELEVATIONS

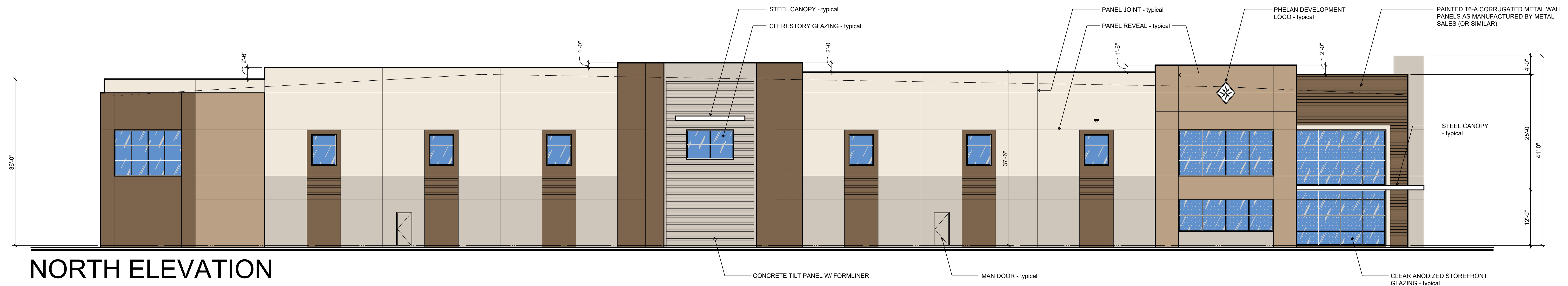
August 27, 2021

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California

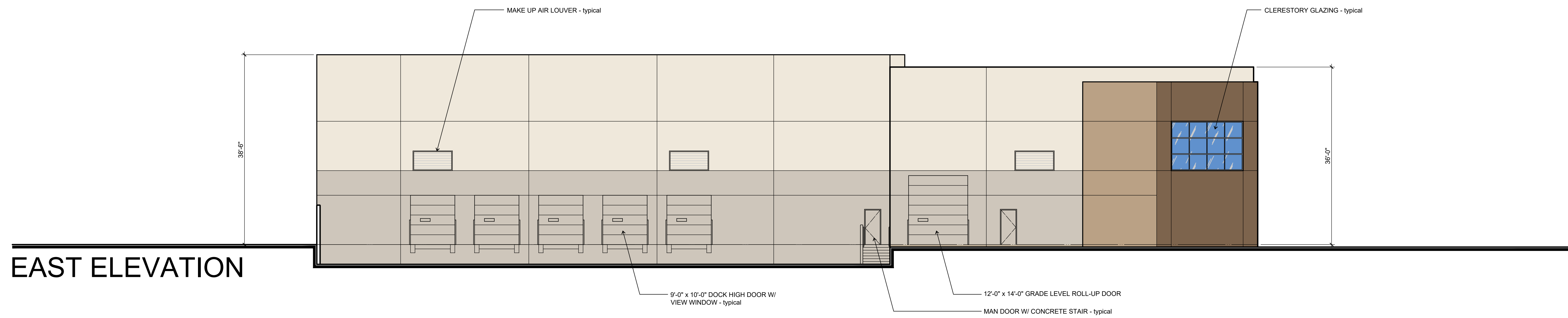


A-17

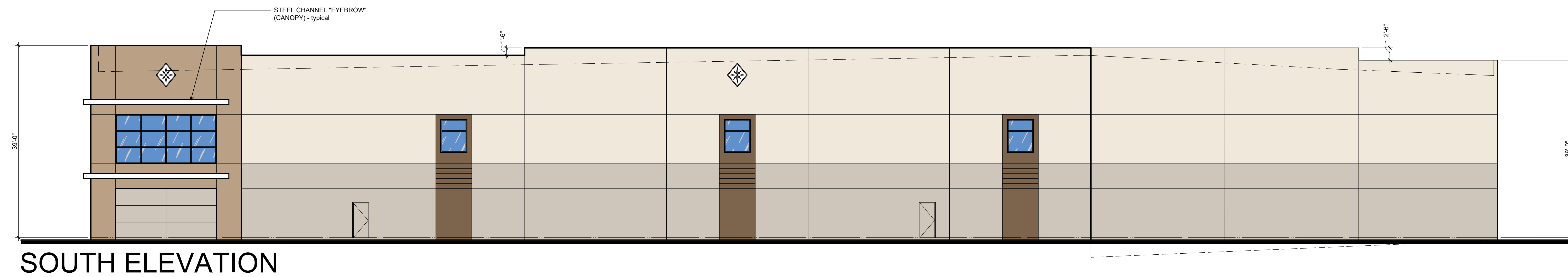
PHELAN
DEVELOPMENT
450 Newport Center Drive, Suite 405
Newport Beach, CA 92660



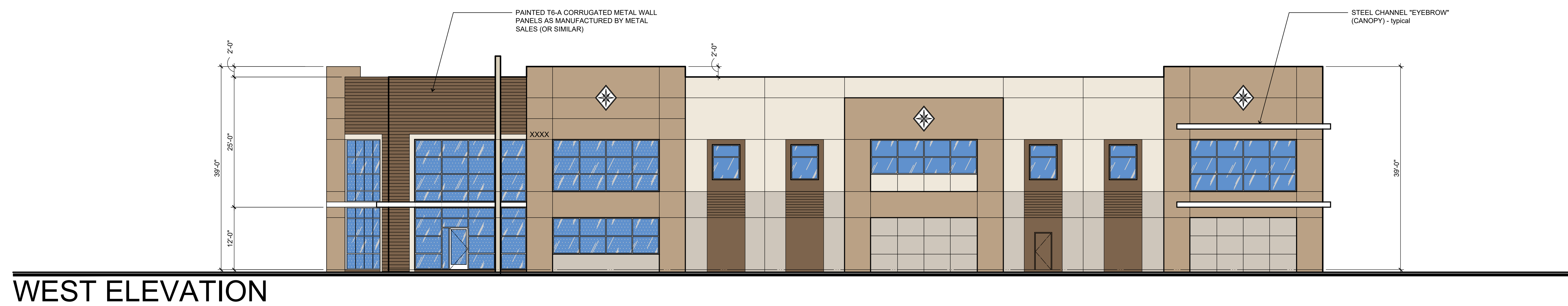
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



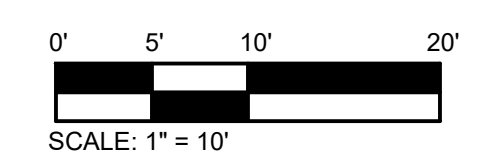
WEST ELEVATION

- LEGEND**
- TILT-UP CONCRETE WALL PANEL
FIELD COLOR
SHERWIN WILLIAMS - #7012 - CREAMY
 - TILT-UP CONCRETE WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #7043 - WORLDLY GRAY
 - TILT-UP CONCRETE SCREEN WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #6108 - LATTE
 - TILT-UP CONCRETE SCREEN WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #6103 - TEA CHEST
 - 1" INSULATED DUAL PANE MEDIUM PERFORMANCE
PPG VISTACOOL PACIFICA GLAZING
CLEAR ANODIZED ALUMINUM MULLIONS
 - 1/4" MEDIUM PERFORMANCE
PPG VISTACOOL PACIFICA GLAZING
CLEAR ANODIZED ALUMINUM MULLIONS

BUILDING D ELEVATIONS

August 27, 2021

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California

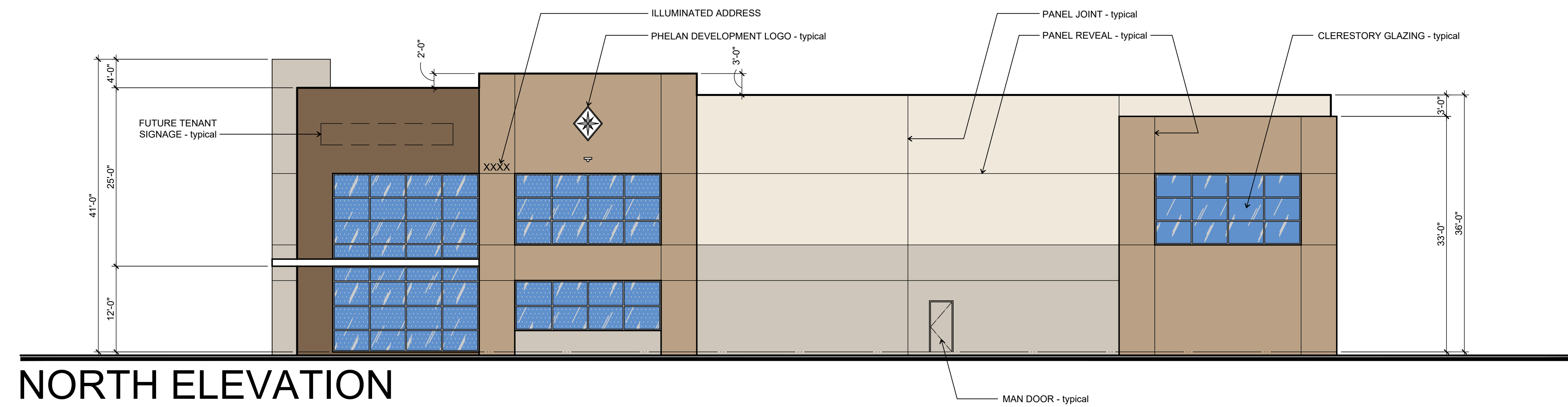


A-18

PHELAN
DEVELOPMENT
450 Newport Center Drive, Suite 405
Newport Beach, CA 92660

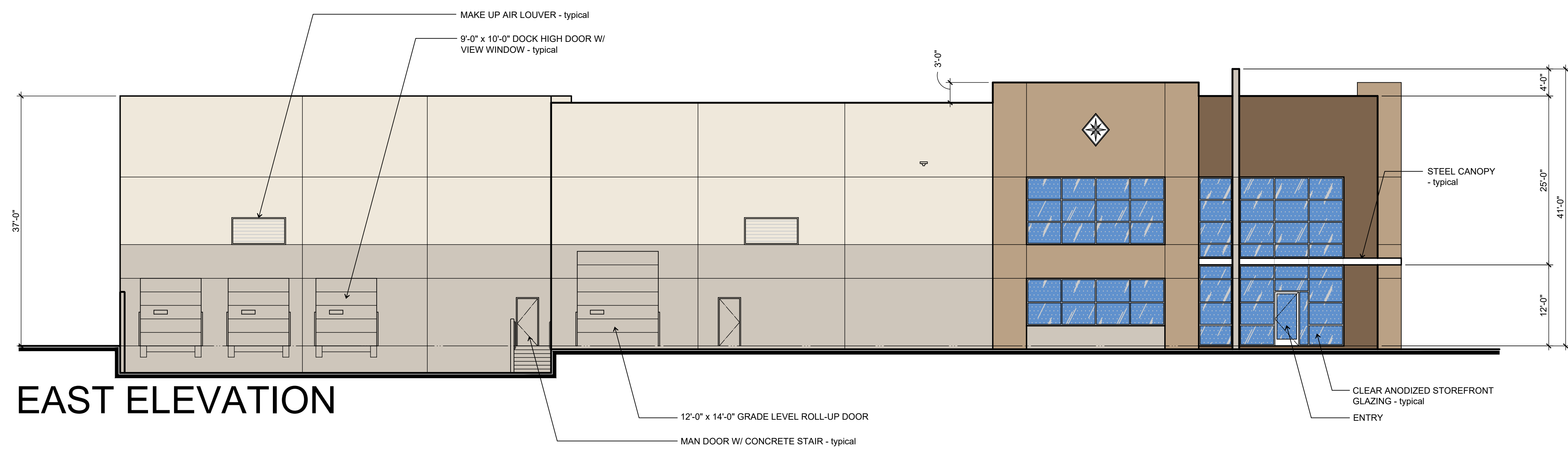
Carlisle Coatsworth Architects, Inc.
18650 MacArthur Boulevard • Suite 300 • Irvine, CA 92612 • Phone: (949) 633-1830

Attachment: Project Plans (5742 - Master Plot Plan (including Building A) and five Plot Plans (Buildings B through F) for six warehouse)

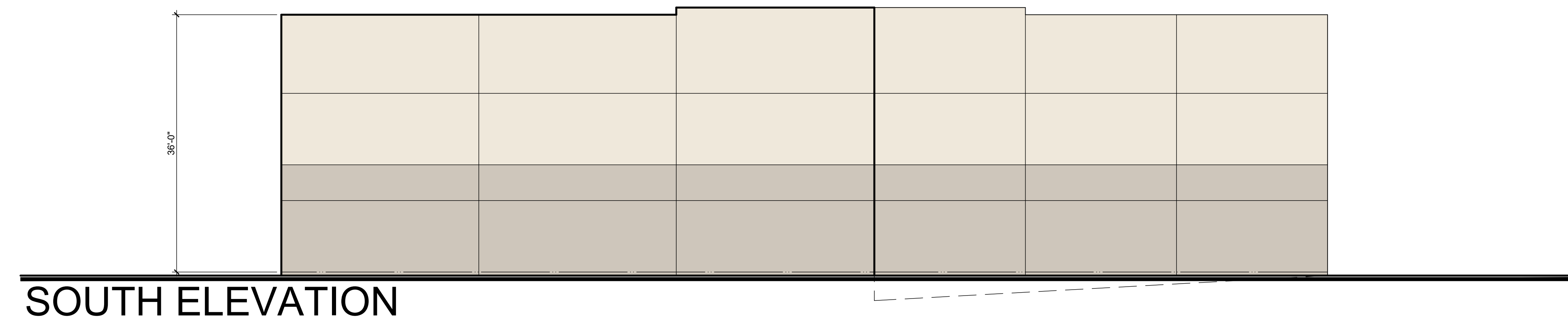


NORTH ELEVATION

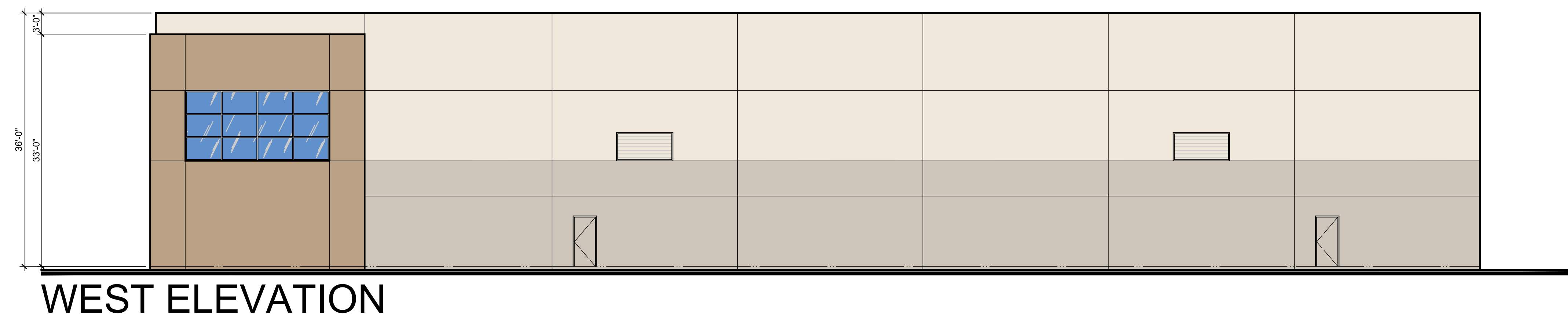
- LEGEND**
- TILT-UP CONCRETE WALL PANEL
FIELD COLOR
SHERWIN WILLIAMS - #7012 - CREAMY
 - TILT-UP CONCRETE WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #7043 - WORLDLY GRAY
 - TILT-UP CONCRETE SCREEN WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #5108 - LATTE
 - TILT-UP CONCRETE SCREEN WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #6103 - TEA CHEST
 - 1" INSULATED DUAL PANE MEDIUM PERFORMANCE
PPG VISTACOOL PACIFICA GLAZING
CLEAR ANODIZED ALUMINUM MULLIONS
 - 1/4" MEDIUM PERFORMANCE
PPG VISTACOOL PACIFICA GLAZING
CLEAR ANODIZED ALUMINUM MULLIONS



EAST ELEVATION



SOUTH ELEVATION

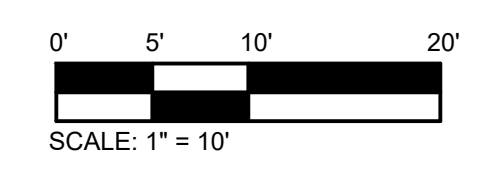


WEST ELEVATION

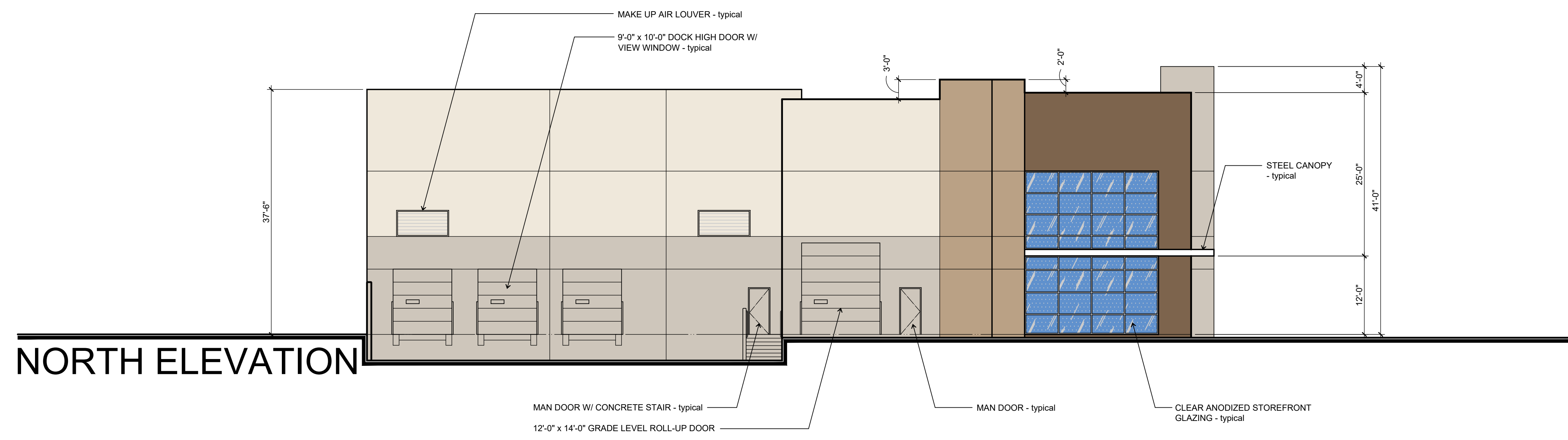
BUILDING E ELEVATIONS

August 27, 2021

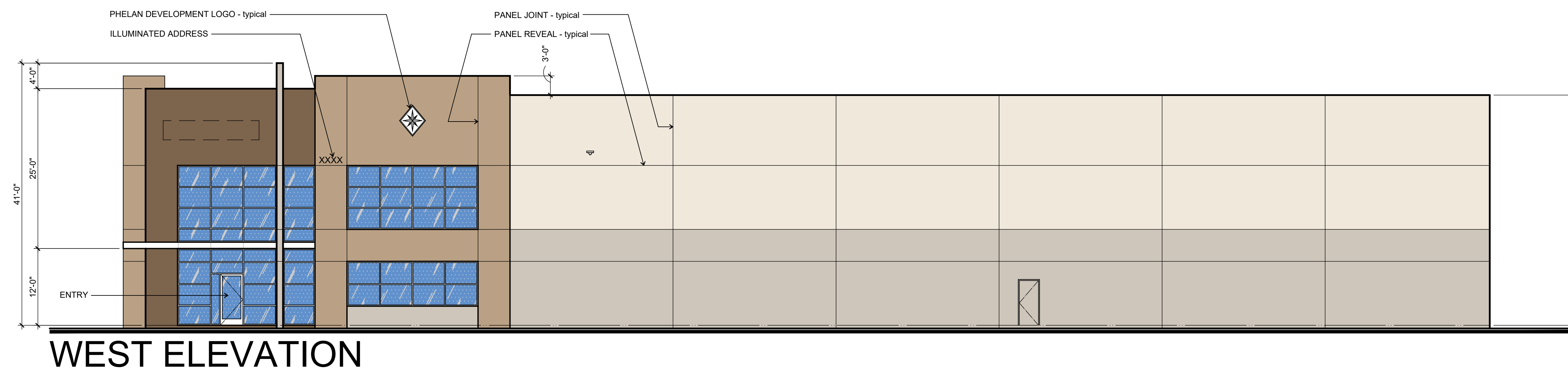
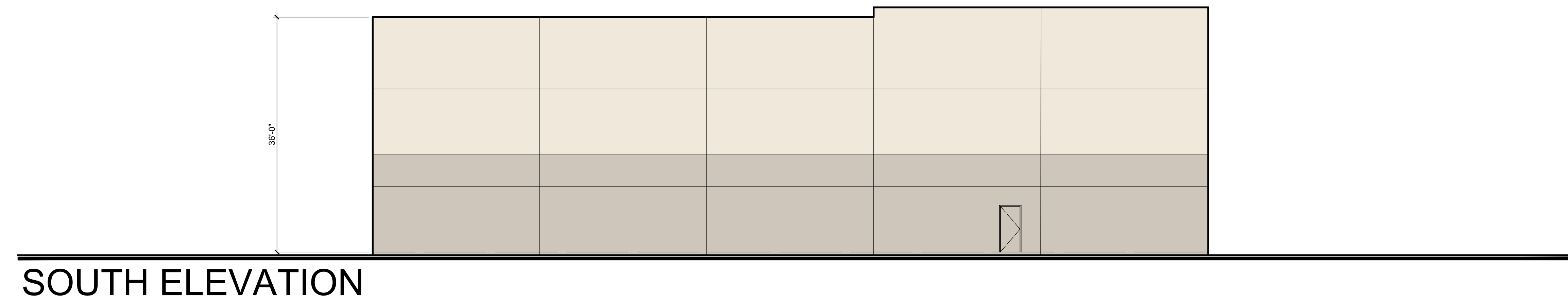
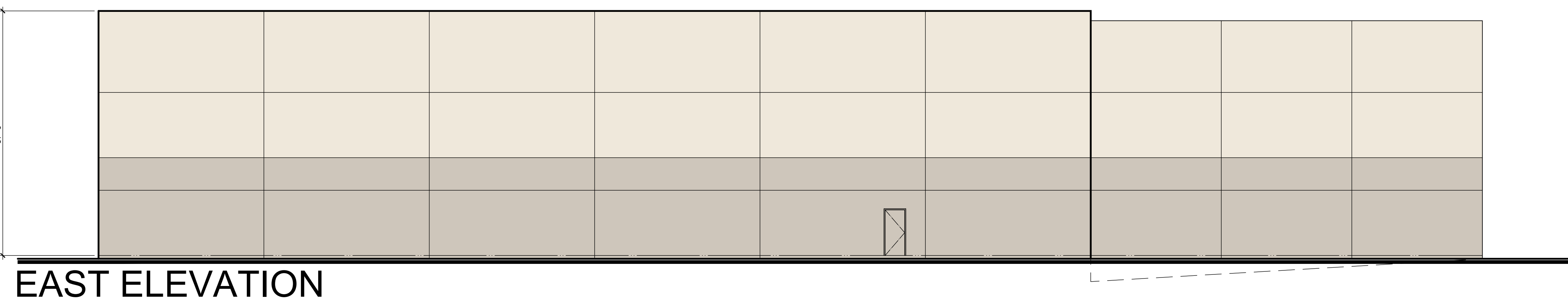
Old 215 Frontage Road and Bay Avenue
Moreno Valley, California



p:\2019\19500\media\development\19500_26\day_and_night_elevations.dwg



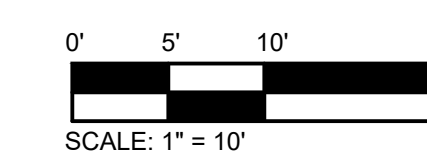
- LEGEND**
- TILT-UP CONCRETE WALL PANEL
FIELD COLOR
SHERWIN WILLIAMS - #7012 - CREAMY
 - TILT-UP CONCRETE WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #7043 - WORLDLY GRAY
 - TILT-UP CONCRETE SCREEN WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #5108 - LATTE
 - TILT-UP CONCRETE SCREEN WALL PANEL
ACCENT COLOR
SHERWIN WILLIAMS - #6103 - TEA CHEST
 - 1" INSULATED DUAL PANE MEDIUM PERFORMANCE
PPG VISTACOOL PACIFICA GLAZING
CLEAR ANODIZED ALUMINUM MULLIONS
 - 1/4" MEDIUM PERFORMANCE
PPG VISTACOOL PACIFICA GLAZING
CLEAR ANODIZED ALUMINUM MULLIONS



BUILDING F ELEVATIONS

August 27, 2021

Old 215 Frontage Road and Bay Avenue
Moreno Valley, California



A-20

PHELAN
DEVELOPMENT
450 Newport Center Drive, Suite 405
Newport Beach, CA 92660

DESIGN KEY NOTES:

- 1 STREET TREE. FINAL TREE TYPE TO MATCH OTHER PROPOSED STREET TREES AND APPROVED BY CITY PUBLIC WORKS DIVISION.
- 2 EVERGREEN SCREEN SHRUBS ADJACENT TO PARKING LOT AREAS.
- 3 VERTICAL GROWING TREES ADJACENT TO BUILDING PER PLANTING LEGEND.
- 4 TRASH ENCLOSURE PER ARCH PLANS.
- 5 SHRUBS AND GROUND COVER PER PLANTING LEGEND.
- 6 FLOWERING ACCENT TREE ALONG MAIN PROJECT DRIVEWAY. PARKING LOT SHADE TREE.
- 7 LARGE EVERGREEN SCREEN SHRUBS ALONG PERIMETER PROPERTY LINE.
- 8 LANDSCAPE EARTHEN BERMS AND SHRUBS TO SCREEN OFF-STREET PARKING FROM STREET VIEW.
- 9 OUTDOOR BREAK AREA, 500 S.F. MIN. INTEGRAL COLORED CONC. PAVING.
- 10 48" WD. STABILIZED DECOMPOSED GRANITE MAINTENANCE PATH. 3" MIN. THICK OVER WEED FILTER FABRIC.

PLANTING LEGEND

TREES	SYMBOL	TREE NAME	QTY.	WUCOLS
STREET TREE ALONG OLD 215 FRONTAGE ROAD		PLATANUS RACEMOSA, WESTERN SYCAMORE 24" BOX SIZE, STANDARD TRUNK	8	M
FINAL STREET TREE SPECIES TO BE APPROVED BY CITY CONTACT CITY PUBLIC WORKS DEPT. PRIOR TO PLANTING		STAKE TREES PER CITY PUBLIC WORKS STANDARDS INSTALL WITH DEEP ROOT BARRIER PANELS		
FLOWERING TREE		CERCIDILUM F. 'DESERT MUSEUM', DM PALO VERDE 30" BOX SIZE, STANDARD TRUNK DOUBLE STAKE.	16	L
SECONDARY STREET TREE ALONG OLD 215 FRONTAGE RD.		PISTACHE CHINENSIS, CHINESE PISTACHE 24" BOX SIZE, STANDARD TRUNK DOUBLE STAKE.	6	M
QUERCUS ILEX, HOLLY OAK		24" BOX SIZE, STANDARD TRUNK DOUBLE STAKE.	9	L
ULMUS PARVIFOLIA 'TRUE GREEN', TRUE GREEN CHINESE ELM		24" BOX SIZE, STANDARD TRUNK DOUBLE STAKE. INSTALL WITH DEEP ROOT BARRIER PANELS.	14	L
VERTICAL GROWING TREE		TRISTANIA CONFERTA, BRISBANE BOX 24" BOX SIZE	44	L
PROPERTY LINE TREE		GEUERIA PARVIFLORA, AUSTRALIAN WILLOW 19 GAL. BOX SIZE	57	L
VERTICAL GROWING TREE		GEUERIA PARVIFLORA, AUSTRALIAN WILLOW 24" BOX SIZE	23	L
SMALL FLOWERING TREE		CERCIDILUM FLOIDUM 24" BOX SIZE	4	L
NARROW GROWING ACCENT TREE		CUPRESSUS S. 'STRICTA', NARROW ITALIAN CYPRESS 24" BOX SIZE	51	L

SHRUBS- SHRUBS SHALL CONSIST OF THE FOLLOWING:

SYMBOL	SHRUB NAME	WUCOLS
	AGAVE 'MEDIOPICATA ALBA', WHITE-STRIPED CENTURY PLANT 5 GAL. SIZE	VL
	AGAVE P. 'TRUNCATA', ARTICHOKE AGAVE 5 GAL. SIZE	VL
	AGAVE VILMORINIANA, OCTOPUS AGAVE 15 GAL. SIZE	VL
	AGAVE WEBERI, WEBER AGAVE 15 GAL. SIZE	VL
	LEUCOPHYLLUM FRUTESCENS, TEXAS SAGE 5 GAL. SIZE @ 36" O.C.	L
	DODONAEA VISCOSA 'PURPUREA', HOPSEED BUSH 5 GAL. SIZE @ 48" O.C.	L
	OLEA EUROPA 'LITTLE OLLIE', DWARF OLIVE 5 GAL. SIZE @ 36" O.C.	L
	HETEROMELES ARBUTIFOLIA, TOYON 5 GAL. SIZE @ 48" O.C.	L
	DIETES BICOLOR, FORTNIGHT LILY 5 GAL. @ 36" O.C.	M
	LIGUSTRUM TEXANUM, TEXAS PRIVET 5 GAL. SIZE @ 48" O.C.	M
	WESTINGHIA F. 'WYNABIE GEM', COAST ROSEMARY 5 GAL. SIZE @ 48" O.C.	L

VINE

SYMBOL	VINE NAME	WUCOLS
	FIGUS PUMILA, CREEPING FIG 5 GAL. SIZE, STAKED @ 6" O.C.	M

GROUND COVER AND SHRUB MASSES - GROUND COVER AND SHRUB MASSES SHALL BE CHOSEN FROM THE FOLLOWING:

SYMBOL	GROUND COVER/SHRUB MASS NAME	WUCOLS
	ANISANTHUS 'MEXICAN FIRE', FLAME ACANTHUS 5 GAL. SIZE @ 36" O.C.	L
	BACCHARIS P. 'PIGEON POINT', DWARF COYOTE BRUSH 1 GAL. @ 36" O.C.	L
	CHONDRAPETALUM TECTORUM 'DWARF', CAPE RUSH 1 GAL. SIZE @ 36" O.C.	L
	MUHLENBERGIA CAPILLARIS 'REGAL MIST', REGAL MIST PINK MUHLY 1 GAL. SIZE @ 30" O.C.	L
	MUHLENBERGIA DUBIA, PINE MUHLY 1 GAL. SIZE @ 30" O.C.	L
	MUHLENBERGIA RIGENS, DEER GRASS 1 GAL. SIZE @ 42" O.C.	L
	HESPERALOE PARVIFLORA, RED YUCCA 5 GAL. SIZE @ 36" O.C.	L
	ROSMARINUS O. 'PROSTRATUS', CREEPING ROSEMARY 1 GAL. SIZE @ 30" O.C.	L
	SALVIA CLEVELANDII, CLEVELAND SAGE 5 GAL. SIZE @ 48" O.C.	L
	LANTANA M. 'NEW GOLD', DWARF LANTANA 1 GAL. SIZE @ 36" O.C.	L
	LEYMUS C. 'CANYON PRINCE', BLUE LYME GRASS 5 GAL. SIZE @ 36" O.C.	L

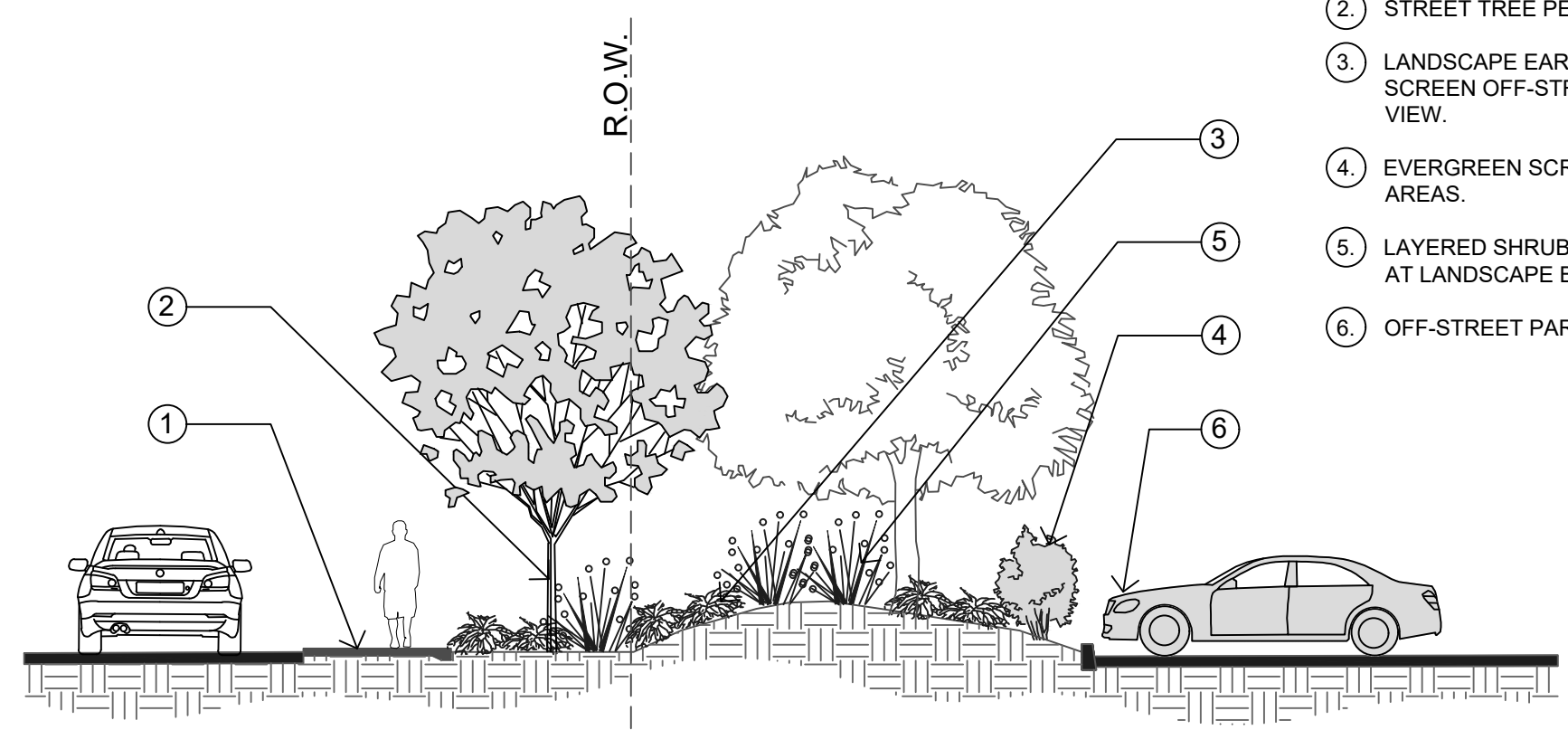
STORM WATER BASINS AND MODULAR WETLANDS

SYMBOL	GRASS	WUCOLS
	CHONDRAPETALUM TECTORUM, CAPE RUSH 1 GAL. @ 36" O.C.	M

NOTE:
- REFER TO SHEET LP-1.3 FOR PLANTING NOTES.
- APPLY A 3" LAYER OF SHREDDED BARK MULCH AT ALL PLANTING AREAS (WITH EXCEPTION TO AREAS TO RECEIVE ROCK MULCH). FOREST FINES BY AGRISERVICE OR APPROVED EQUAL PROVIDE SAMPLE SUBMITTAL TO LANDSCAPE ARCH. FOR REVIEW PRIOR TO INSTALLATION.

SECTION A-A' KEY NOTES:

- 1 NEW SIDEWALK PER CIVIL.
- 2 STREET TREE PER PLANTING LEGEND.
- 3 LANDSCAPE EARTHEN BERMS AND SHRUBS TO SCREEN OFF-STREET PARKING FROM SCREEN VIEW.
- 4 EVERGREEN SCREEN SHRUBS ALONG PARKING AREAS.
- 5 LAYERED SHRUB AND GROUND COVER MATERIAL AT LANDSCAPE BERMS AND STREET FRONTAGE.
- 6 OFF-STREET PARKING AREA.



SECTION 'A-A'
SCALE: 1/8" = 1'-0"

CONCEPTUAL PLAN NOTE:

THIS IS A CONCEPTUAL LANDSCAPE PLAN. IT IS BASED ON PRELIMINARY INFORMATION WHICH IS NOT FULLY VERIFIED AND MAY BE INCOMPLETE. IT IS MEANT AS A COMPARATIVE AID IN EXAMINING ALTERNATE DEVELOPMENT STRATEGIES AND ANY QUANTITIES INDICATED ARE SUBJECT TO REVISION AS MORE RELIABLE INFORMATION BECOMES AVAILABLE.

GENERAL NOTES:

- SLOPES GREATER THAN 3:1 SHALL BE STABILIZED WITH EROSION CONTROL GROUND COVER PER LEGEND, AND MULCH MATERIAL WITH 'BINDER' MATERIAL SHALL BE APPLIED FOR EROSION CONTROL.
- ROCK RIP-RAP MATERIAL SHALL BE INSTALLED WHERE DRAIN LINES CONNECT TO INFILTRATION AREAS.
- ALL UTILITY EQUIPMENT SUCH AS BACKFLOW UNITS, FIRE DETECTOR CHECKS, FIRE CHECK VALVE, AND AIR CONDITIONING UNITS WILL BE SCREENED WITH EVERGREEN PLANT MATERIAL ONCE FINAL LOCATIONS HAVE BEEN DETERMINED.

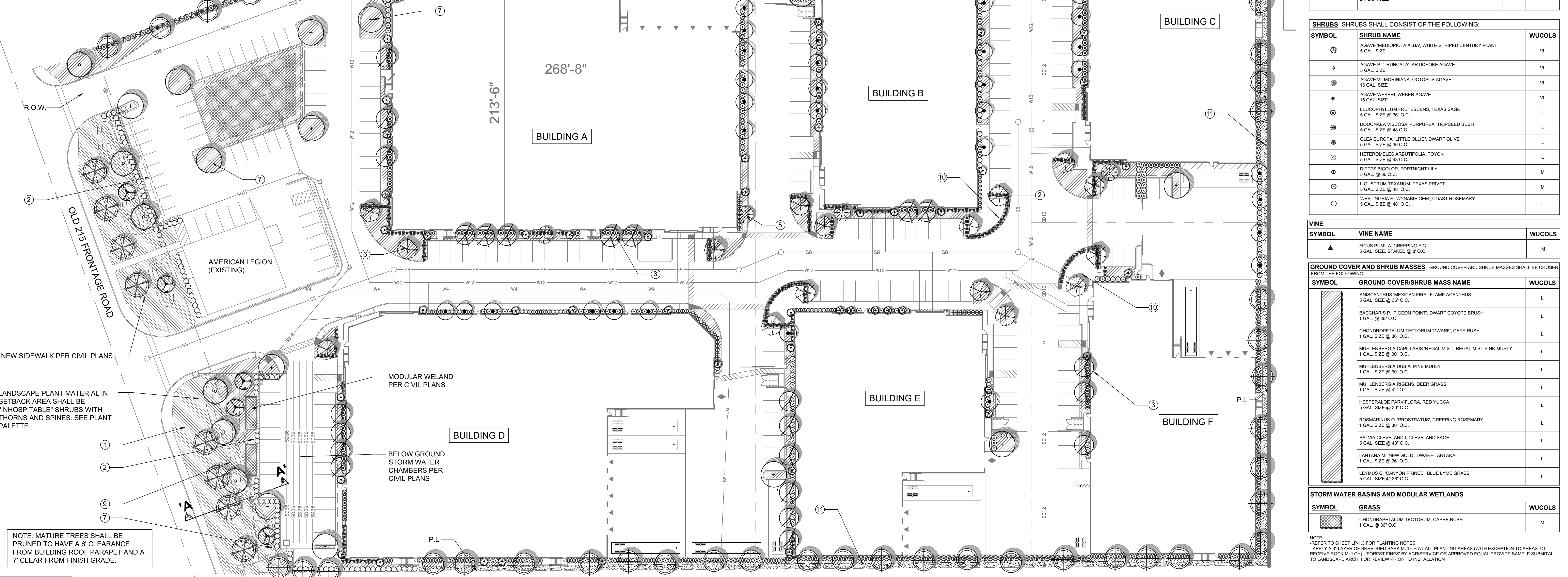
WUCOLS PLANT FACTOR

THIS PROJECT IS LOCATED IN 'WUCOLS' REGION '4-SOUTH INLAND VALLEY'.

- H = HIGH WATER NEEDS
- M = MODERATE WATER NEEDS
- L = LOW WATER NEEDS
- VL = VERY LOW WATER NEEDS

IRRIGATION NOTE:

THE PROJECT WILL BE EQUIPPED WITH A LOW FLOW IRRIGATION SYSTEM CONSISTING OF ET WEATHER BASED SMART CONTROLLER, LOW FLOW ROTORS, BUBBLER AND/ OR DRIP SYSTEMS USED THROUGHOUT. THE IRRIGATION WATER EFFICIENCY WILL MEET OR SURPASS THE CURRENT STATE MANDATED AB-1881 WATER ORDINANCE.



LANDSCAPE PLANT MATERIAL IN SETBACK AREA SHALL BE "INHOSPITABLE" SHRUBS WITH THORNS AND SPINES. SEE PLANT PALETTE

NOTE: MATURE TREES SHALL BE PRUNED TO HAVE A 6' CLEARANCE FROM BUILDING ROOF PARAPET AND A 7' CLEAR FROM FINISH GRADE.

CONCEPTUAL LANDSCAPE PLAN
OLD 215 FRONTAGE ROAD
MORENO VALLEY, CA

JANUARY 06, 2022

OLD 215 INDUSTRIAL CONCEPTUAL GRADING PLAN CITY OF MORENO VALLEY

EXISTING EASEMENTS:

- AN EASEMENT FOR POLE LINES, CONDUITS AND INCIDENTAL PURPOSES, RECORDED DECEMBER 21, 1926 IN BOOK 698 OF DEEDS, PAGE 313. IN FAVOR OF: SOUTHERN SIERRAS POWER COMPANY
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION. (AFFECTS TRACTS 2, 3 AND 4) BLANKET IN NATURE
- AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 9, 1927 IN BOOK 703 OF DEEDS, PAGE 376.
IN FAVOR OF: EDMONT RANCH COMPANY, A CALIFORNIA CORPORATION
FOR CONSTRUCTION, MAINTENANCE, OPERATION OF PIPES, CONDUITS, POLES, WIRES. BLANKET IN NATURE
- COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED AUGUST 16, 1927 IN BOOK 729 OF DEEDS, PAGE 205, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES OR SECTION 12955 OF THE CALIFORNIA GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
FOR CONSTRUCTION, MAINTENANCE, OPERATION OF PIPES, CONDUITS, POLES, WIRES. BLANKET IN NATURE
- AN EASEMENT FOR DRAINAGE PIPES, CONDUITS, PIPES, POLES, WIRES AND INCIDENTAL PURPOSES, RECORDED JULY 20, 1928 IN BOOK 771 OF DEEDS, PAGE 552. IN FAVOR OF: EDMONT RANCH COMPANY, A CORPORATION
FOR CONSTRUCTION, MAINTENANCE, OPERATION OF PIPES, CONDUITS, POLES, WIRES. BLANKET IN NATURE
- AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES AND INCIDENTAL PURPOSES, RECORDED DECEMBER 4, 1931 AS BOOK 59 PAGE 67 OF OFFICIAL RECORDS.
IN FAVOR OF: SOUTHERN SIERRAS POWER COMPANY
THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION. [BLANKET IN NATURE. DOCUMENT REITERATES THE RIGHT OF WAY OF UNSPECIFIED WIDTH OVER ALL EXISTING ELECTRICAL DISTRIBUTION LINES AND APPURTENANCES INSTALLED OVER M.B. 12/19 (EDGMONT NO. 2) AS GRANTED BY PREVIOUS DOCUMENTS - NOT PLOTTED]
- COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED OCTOBER 10, 1938 AS BOOK 388, PAGE 435 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES OR SECTION 12955 OF THE CALIFORNIA GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
FOR CONSTRUCTION, MAINTENANCE, OPERATION OF PIPES, CONDUITS, POLES, WIRES. BLANKET IN NATURE
- COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED OCTOBER 30, 1940 AS BOOK 482, PAGE 73 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES OR SECTION 12955 OF THE CALIFORNIA GOVERNMENT CODE. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
FOR CONSTRUCTION, MAINTENANCE, OPERATION OF PIPES, CONDUITS, POLES, WIRES. BLANKET IN NATURE
- AN EASEMENT FOR RIGHT TO CONSTRUCT, USE, MAINTAIN, ALTER, ADD TO, REPAIR, REPLACE AND/OR REMOVE, A TELEPHONE AND ELECTRIC LINE CONSISTING OF PIPES, NECESSARY GUYS AND ANCHORS, CROSS-ARMS, WIRES, CABLE AND OTHER FIXTURES AND APPLIANCES FOR CONVEYING ELECTRIC ENERGY TO BE USED FOR COMMUNICATION, TELEPHONE, TELEGRAPH, LIGHT, HEAT, POWER AND/OR OTHER PURPOSES AND INCIDENTAL PURPOSES, RECORDED MARCH 07, 1947 AS BOOK 817 PAGE 550 OF OFFICIAL RECORDS.
IN FAVOR OF: CALIFORNIA ELECTRIC POWER COMPANY AND CALIFORNIA WATER AND TELEPHONE COMPANY
APPROXIMATE POSITION PLOTTED HEREON
- AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES AND INCIDENTAL PURPOSES, RECORDED JULY 13, 1948 AS BOOK 993 PAGE 485 OF OFFICIAL RECORDS.
IN FAVOR OF: CALIFORNIA ELECTRIC POWER COMPANY
[1' WIDE STRIP EASEMENT, THE NORTHERLY LINE OF WHICH IS COINCIDENT WITH THE SOUTH LINE OF SUBJECT PROPERTY - PLOTTED HEREON]
- AN EASEMENT FOR DRAINAGE PIPES OR CONDUITS AND OTHER MEANS OF CONVEYING WATER AND SEWAGE AND INCIDENTAL PURPOSES, RECORDED OCTOBER 28, 1949 AS BOOK 1118 PAGE 460 OF OFFICIAL RECORDS.
IN FAVOR OF: BOX SPRINGS MUTUAL WATER COMPANY
BLANKET IN NATURE

OWNER/APPLICANT

PHELAM DEVELOPMENT COMPANY
450 NEWPORT CENTER DRIVE, STE 405
NEWPORT BEACH, CA 92660
PHONE: (949) 531-6627
EMAIL: KDEARMEY@PHELAMDEVCO.COM
CONTACT: KATRINA DEARMEY

CIVIL ENGINEER

SB&O, INC.
41689 ENTERPRISE CIRCLE NORTH, SUITE 126
TEMECULA, CA 92590
PHONE: (951) 695-8900
EMAIL: DONBROOKS@SB&OINC.COM
CONTACT: DON BROOKS

PROJECT DESCRIPTION

THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF OLD 215 ROAD APPROXIMATELY 500 FEET NORTH OF ALESSANDRO BOULEVARD ON 11.46 ACRES OF LAND IN THE CITY OF MORENO VALLEY. THE PROJECT PROPOSES TO CONSTRUCT 6 CONCRETE TILT-UP INDUSTRIAL BUILDINGS RANGING IN SIZE FROM 23,289 SF TO 50,399 SF.

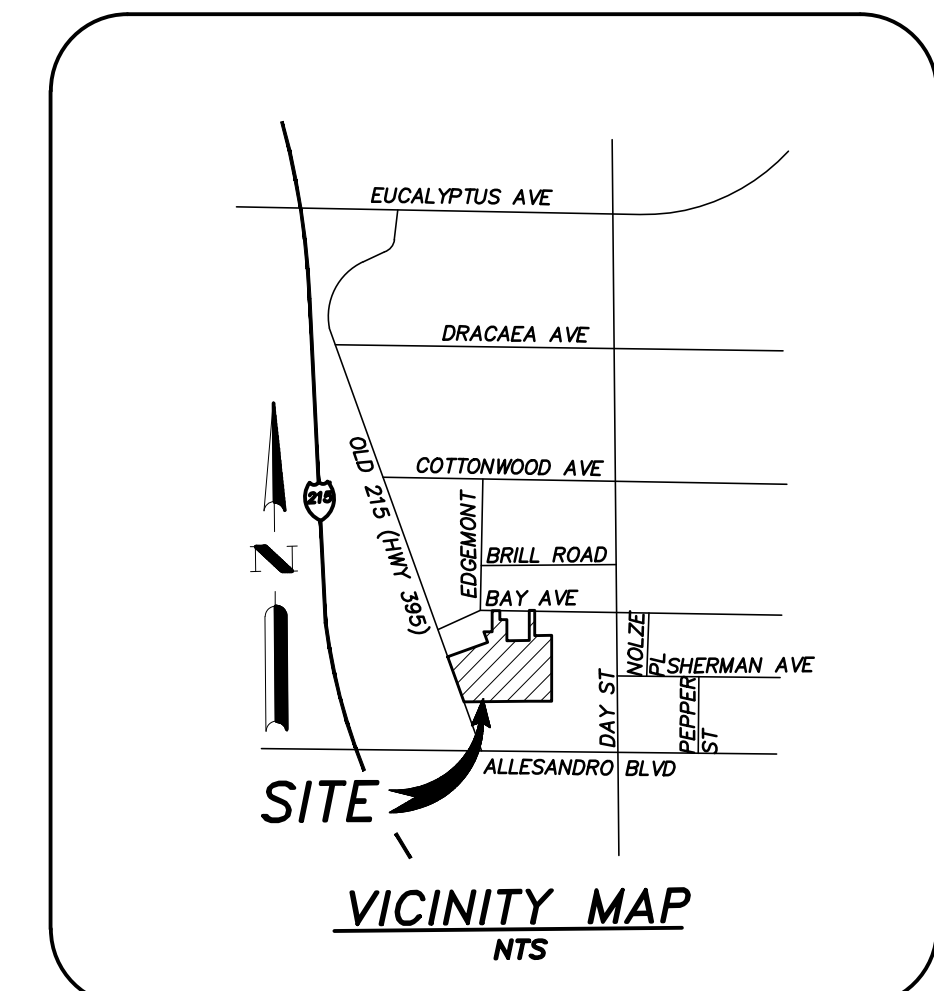
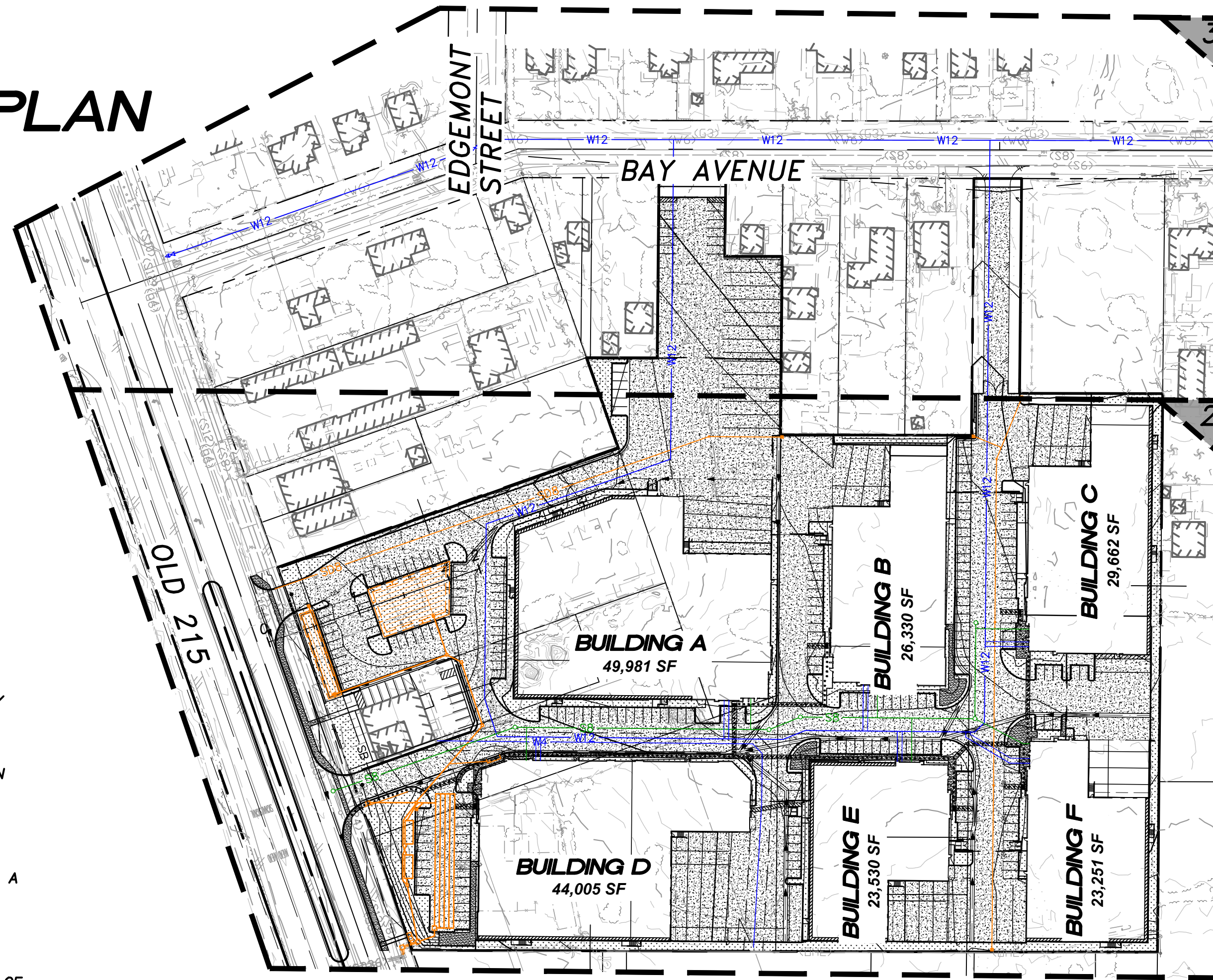
BASIS OF BEARING

BEARINGS SHOWN HEREON ARE BASED UPON THE NORTHEASTERLY LINE OF OLD HIGHWAY 215, SHOWN AS FRONTAGE ROAD ON CALTRANS MONUMENTATION MAP NO. 435571-8 & 9 BEING N19°23'51"E.

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

APN: 263-220-008
THAT PORTION OF LOT 21, EDGMONT NO. 2, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 12, PAGE 19, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT, 72 FEET NORTHEASTERLY FROM THE MOST SOUTHERLY CORNER OF SAID LOT;
THENCE NORTHWESTERLY PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOT, 40 FEET;
THENCE NORTHEASTERLY PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT, 103 FEET;
THENCE SOUTHEASTERLY PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOT, 40 FEET, TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT; THENCE SOUTHWESTERLY ON THE SOUTHEASTERLY LINE OF SAID LOT, 103 FEET, TO THE POINT OF BEGINNING.
APN: 263-220-027 & 263-220-029
THE SOUTHEASTERLY RECTANGULAR 50 FEET OF LOT 20 AND THE NORTHWESTERLY RECTANGULAR 25 FEET OF LOT 21 OF EDGMONT NO. 2, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 12, PAGE 19, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY.
EXCEPTING THEREFROM THE SOUTHWESTERLY RECTANGULAR 350 FEET THEREOF.
ALSO, ALL THAT PORTION OF LOT 21 OF SAID EDGMONT NO. 2 LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL WITH AND 25 FEET SOUTHEASTERLY OF THE NORTHWESTERLY LINE THEREOF.
EXCEPTING THEREFROM THE SOUTHWESTERLY 72 FEET THEREOF AS CONVEYED TO THE STATE OF CALIFORNIA FOR HIGHWAY PURPOSES.
ALSO EXCEPTING THEREFROM THE PORTION THEREOF DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 21, 175 FEET NORTHEASTERLY FROM THE MOST NORTHERLY CORNER THEREOF; THENCE NORTHWESTERLY AND PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOT 21, 40 FEET; THENCE SOUTHWESTERLY AND PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 21, 103 FEET; THENCE SOUTHEASTERLY AND PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOT 21, 40 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 21; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 21, 103 FEET TO THE POINT OF BEGINNING.
APN: 263-220-028
THE SOUTHEASTERLY 50 FEET OF THE SOUTHWESTERLY 350 FEET OF LOT 20 AND THE NORTHWESTERLY 25 FEET OF THE SOUTHWESTERLY 350 FEET OF LOT 21 OF EDGMONT NO. 2, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 12, PAGE 19, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY.
EXCEPTING THEREFROM THE WESTERLY 72 FEET AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED FROM H. E. ERICSON AND WIFE RECORDED IN BOOK 535, PAGE 441, OFFICIAL RECORDS.
APN: 263-220-009
LOT 22 OF EDGMONT NO. 2, AS SHOWN BY MAP ON FILE IN BOOK 12 PAGE 19 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;
EXCEPT THEREFROM THE WESTERLY 72 FEET THEREOF, AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED APRIL 9, 1942 IN BOOK 535 PAGE 443 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.
APN: 263-220-017 & 263-220-018
LOT 24 OF EDGMONT NO. 2, AS SHOWN BY MAP ON FILE IN BOOK 12 PAGE 19 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;
EXCEPT THEREFROM THE NORTHERLY 269 FEET THEREOF.
APN: 263-220-004
LOT 19 AND THE NORTHWESTERLY RECTANGULAR 50 FEET OF LOT 20 OF EDGMONT NO. 2, AS SHOWN BY MAP ON FILE IN BOOK 12 PAGE 19 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.
EXCEPTING THEREFROM THE WESTERLY RECTANGULAR 72 FEET THEREOF AS CONVEYED TO STATE OF CALIFORNIA FOR STATE HIGHWAY BY DEED RECORDED MARCH 30, 1942 IN BOOK 534, PAGE 538 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.
APN: 263-220-023
LOT 23 OF EDGMONT NO. 2, AS SHOWN BY MAP ON FILE IN BOOK 12, PAGE 19 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;
EXCEPTING THEREFROM THAT PORTION THEREOF PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT, 130 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE WEST ALONG THE NORTH LINE OF SAID LOT, 142.4 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT, 200 FEET; THENCE EAST AND PARALLEL WITH THE NORTH LINE OF SAID LOT TO A POINT 130 FEET WEST OF THE EAST LINE THEREOF; THENCE NORTH AND PARALLEL WITH THE EAST LINE OF SAID LOT TO POINT OF BEGINNING.
ALSO EXCEPTING THEREFROM THAT PORTION THEREOF PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 23; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT, 60 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT, 82 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT, 60 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 23; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 23, 82 FEET TO THE POINT OF BEGINNING.
APN: 263-230-002
LOT 25 OF EDGMONT NO. 2 AS SHOWN BY MAP ON FILE IN BOOK 12, PAGE 19 OF MAPS, RIVERSIDE COUNTY RECORDS.
EXCEPTING THEREFROM THE NORTH 225 FEET OF THE EAST 150 FEET OF SAID LOT 25.



KEY MAP
SCALE 1"=100'

EARTHWORK QUANTITIES

	EXCAVATION	EMBANKMENT
RAW VOLUMES:	23,320	17,760
RAW SHRINKAGE (10%):		2,300
OVEREXAVATION SHRINKAGE (10%):		2,300
SUBSIDENCE (0.1%):		1,630
TOTALS	23,320	24,020

THE ESTIMATE OF EARTHWORK QUANTITIES IS PROVIDED BY THE ENGINEER ONLY FOR THE CONVENIENCE OF THE CONTRACTOR AND DETERMINATION OF PLAN CHECK FEES. THE CONTRACTOR SHALL MAKE HIS OWN DETERMINATION OF THE CONSTRUCTED QUANTITIES BEFORE SUBMITTING A BID.

LEGEND

---	EXISTING RIGHT-OF-WAY
---	EXISTING PROPERTY LINE
---	PROPOSED BOUNDARY LINE
---	PROPOSED PROPERTY LINE
---	STREET CENTERLINE
---	EXISTING CONTOUR
---	PROPOSED CONTOUR
---	DIRECTION OF DRAINAGE
---	DRIVEWAY SIGHT DISTANCE
---	PROPOSED CURB & GUTTER
---	PROPOSED RETAINING WALL
---	PROPOSED CONC. SCREEN WALL
---	PROPOSED 8' CHAIN LINK FENCE
---	PROPOSED SEWER
---	PROPOSED WATER
---	PROPOSED STORM DRAIN
---	EXISTING SEWER
---	EXISTING WATER
---	EXISTING STORM DRAIN
---	EXISTING OVERHEAD ELECTRICAL
---	CONCRETE
---	ASPHALT
---	ROAD BASE
---	EARTH
---	DEEPEND FOOTING

ABBREVIATIONS

BLDG	BUILDING
CL	CENTERLINE
DW	DOMESTIC WATER LATERAL
EG	EXISTING GRADE
EP	EDGE OF PAVEMENT
EX	EXISTING
FF	FINISH FLOOR
FG	FINISH GRADE
FH	FIRE HYDRANT
FL	FLOW LINE
FS	FINISH SURFACE
FW	FIRE WATER LATERAL
GB	GRADE BREAK
HP	HIGH POINT
MH	MANHOLE
OHE	OVERHEAD ELECTRIC
P/P	POWER POLE
PR	PROPOSED
S	SEWER LATERAL
SD	STORM DRAIN
SWR	SEWER
TC	TOP OF CURB
TG	TOP OF GRATE
WTR	WATER

GENERAL NOTES

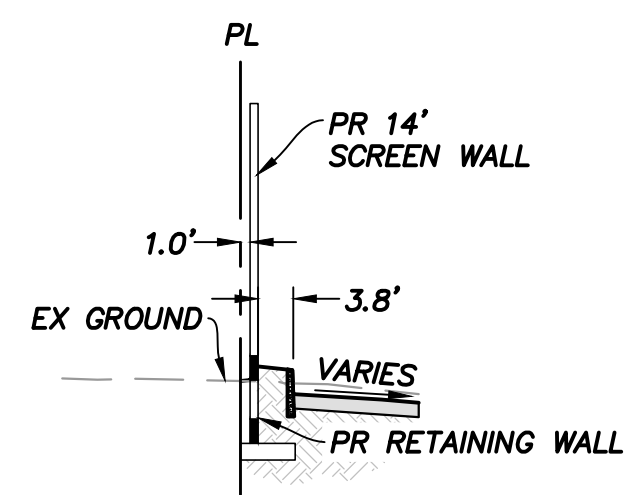
- PROPERTY ADDRESS: EAST SIDE OF OLD 215 ROAD APPROXIMATELY 500 FEET NORTH OF ALESSANDRO BOULEVARD
- APN's 263-220-008, 263-220-027, 263-220-028, 263-220-029, 263-220-009, 263-220-017, 263-220-018, 263-220-004, 263-220-023 & 263-230-002
- LEGAL DESCRIPTION: SEE LEFT HEREON.
- BUILDING AREA:
BUILDING A: 49,981 SF
BUILDING B: 26,330 SF
BUILDING C: 29,662 SF
BUILDING D: 44,005 SF
BUILDING E: 23,530 SF
BUILDING F: 23,251 SF
GROSS AREA: 499,225 SF
NET AREA: 498,145 SF
PROJECT AREA:
PROPOSED USE: INDUSTRIAL WAREHOUSE
ZONING: THE SUBJECT PROPERTY IS ZONED BP - BUSINESS PARK AND IS LOCATED ON THE AIR INSTALLATION COMPATIBLE USE ZONE (AICUZ). THE FOLLOWING ZONING INFORMATION WAS DETERMINED FROM THE MORENO VALLEY MUNICIPAL CODE - TABLE 9.05.040-8 INDUSTRIAL SITE DEVELOPMENT MINIMUM STANDARDS.
BUILDING SETBACKS: STREET SIDE - 20 FEET
3. THE SUBJECT PROPERTY IS LOCATED WITHIN THE FOLLOWING FLOOD ZONES SHOWN ON FEMA FLOOD INSURANCE RATE MAP 060500745G, WITH AN EFFECTIVE DATE OF AUGUST 28, 2008.
ZONE X - OTHER AREAS - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN
4. AERIAL TOPOGRAPHY PROVIDED BY INLAND AERIAL SURVEYS, INC., PROJECT NO. 20-11992, COMPILED FROM AERIAL PHOTOGRAPHY DATED 08/28/20.
ACCURACY OF AERIAL TOPOGRAPHY:
HORIZONTAL: 1"=40'
VERTICAL: 1' CONTOUR INTERVAL
AND SUPPLEMENT WITH FIELD SURVEY ON 9/12/2020
5. UTILITY PURVEYORS:
CHARTER SPECTRUM (877) 906-9121
EASTERN MUNICIPAL WATER DIST (951) 928-3777
CITY OF MORENO VALLEY (951) 413-3160
SC EDISON COMPANY (800) 655-4555
SC GAS COMPANY (800) 427-2200
RIVERSIDE TRANSIT AGENCY (951) 565-5164
UNDERGROUND SERVICE ALERT (800) 227-2600
MORENO VALLEY UTILITY ADMINISTRATION (951) 413-3500
CROWN CASTLE (888) 632-0931
6. ALL EXISTING STRUCTURES ON-SITE ARE TO BE DEMOLISHED.
7. SEE ARCHITECTURAL SITE PLAN FOR LOCATION AND AND TYPES OF SIGNS.

MARK	DATE	INITIAL	DESCRIPTION	REC	APPR	DATE
		EDR	REVISION			

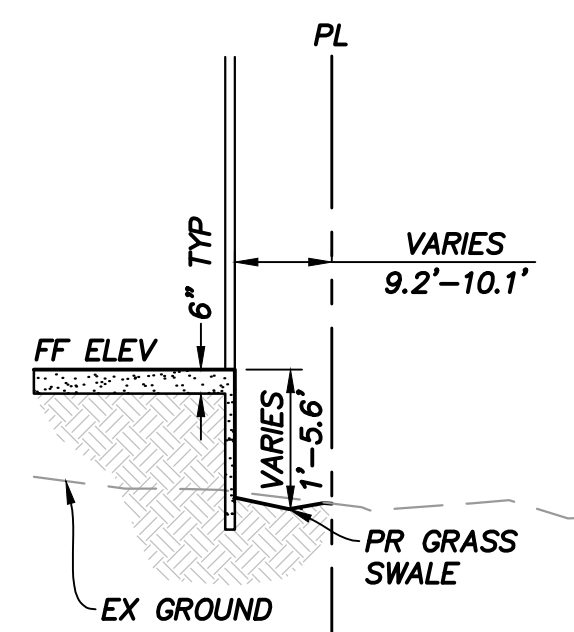
SB&O INC.
PLANNING ENGINEERING SURVEYING
41689 Enterprise Circle North, Suite 126
Temecula, Ca. 92590
951-695-8900
951-695-8901 Fax

CONCEPTUAL GRADING PLAN
OLD 215 INDUSTRIAL
TITLE SHEET
PEN21-0105

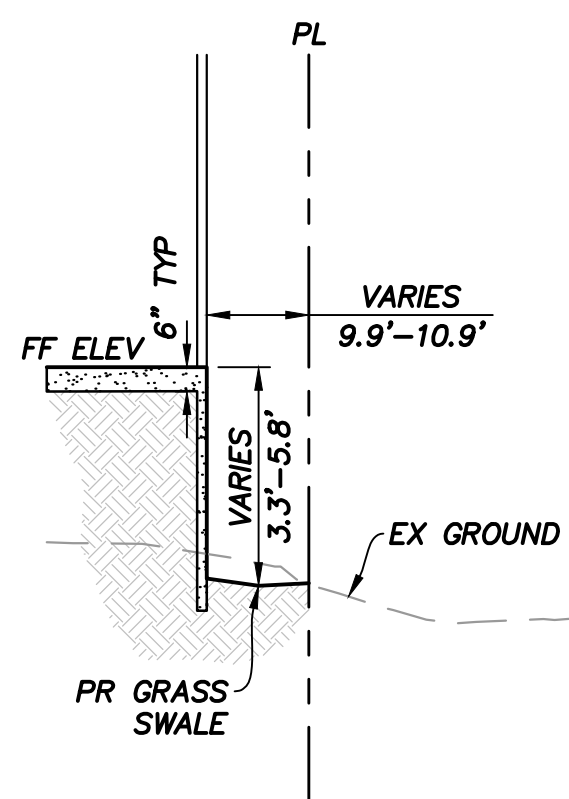
Attachment: Project Plans (5742) - Master Plot Plan (including Building A) and five Plot Plans (Buildings B through F) for six warehouse



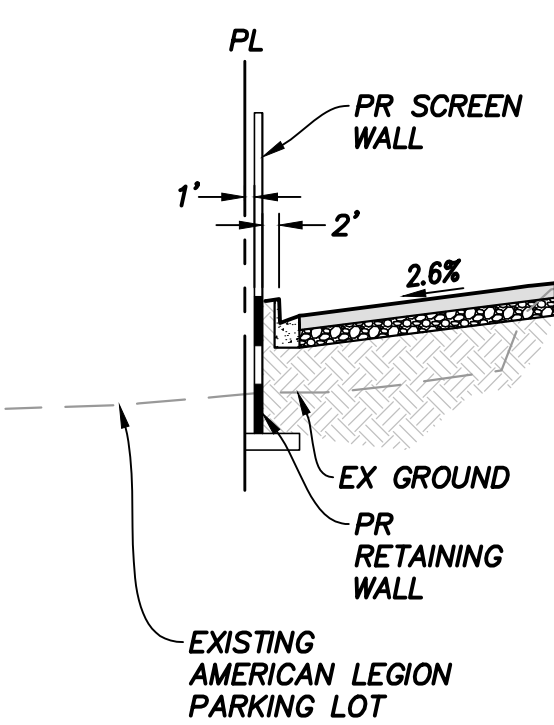
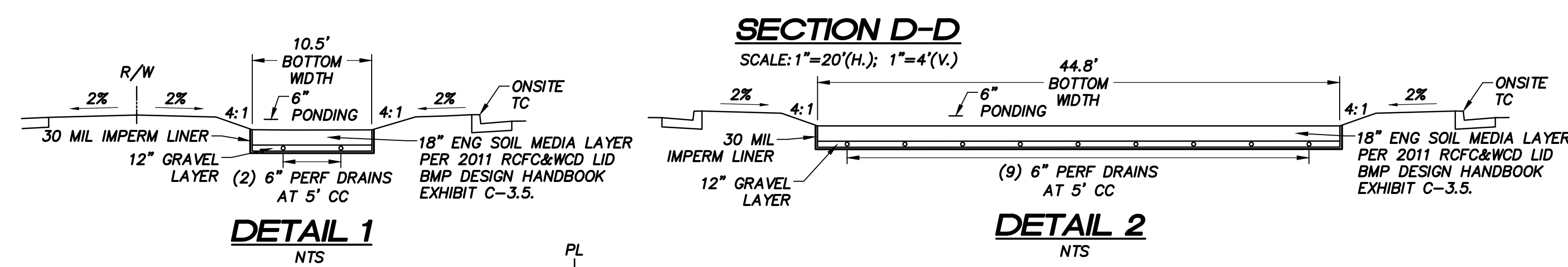
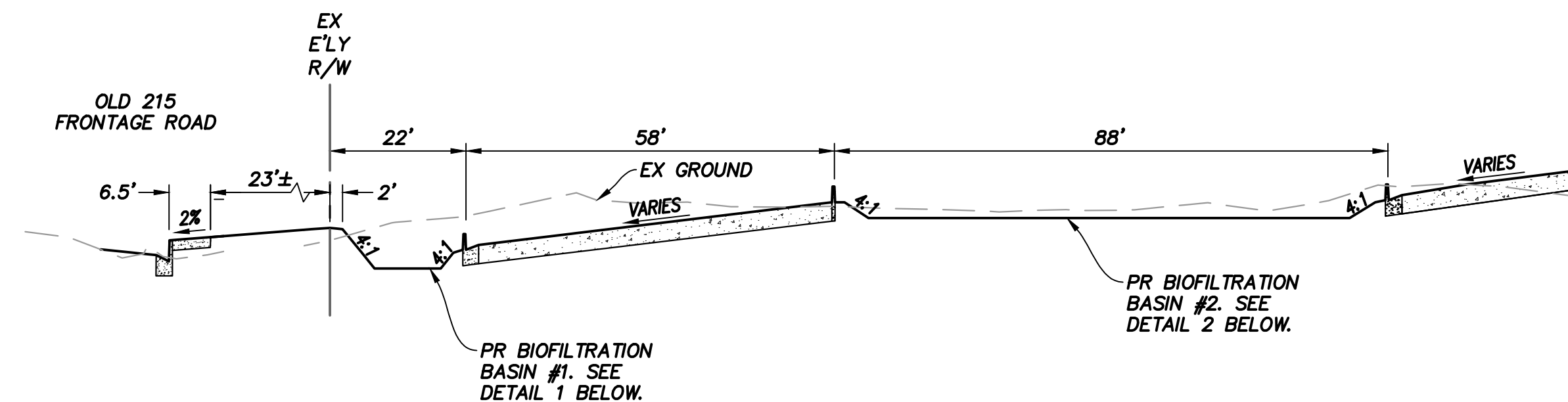
SECTION A-A
SCALE: 1"=20'(H.); 1"=4'(V.)



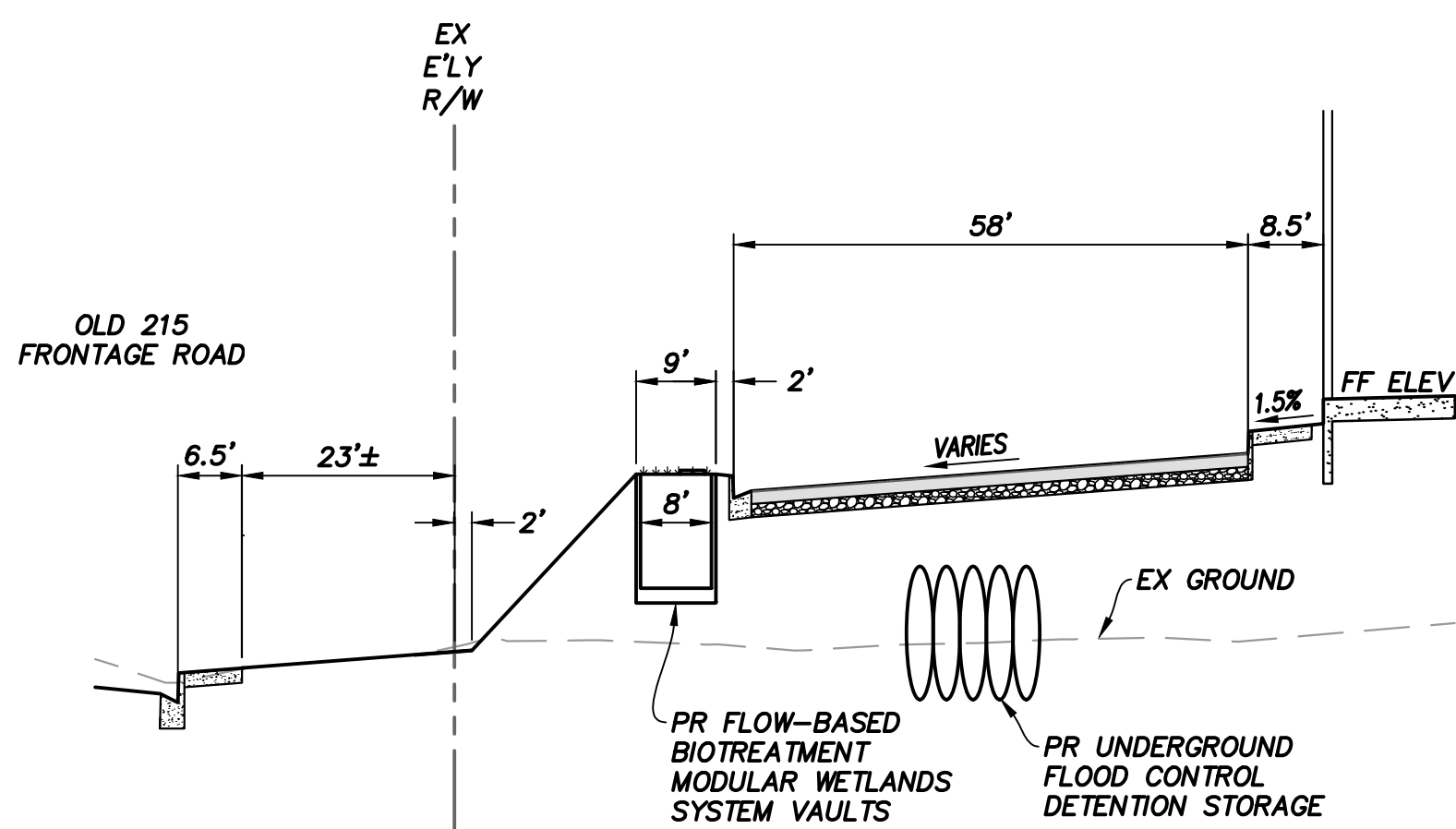
SECTION B-B
SCALE: 1"=20'(H.); 1"=4'(V.)



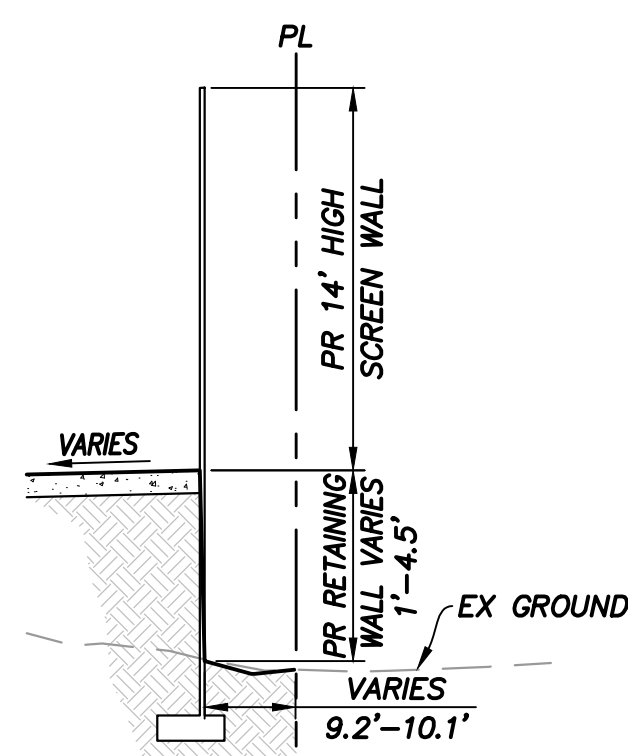
SECTION C-C
SCALE: 1"=20'(H.); 1"=4'(V.)



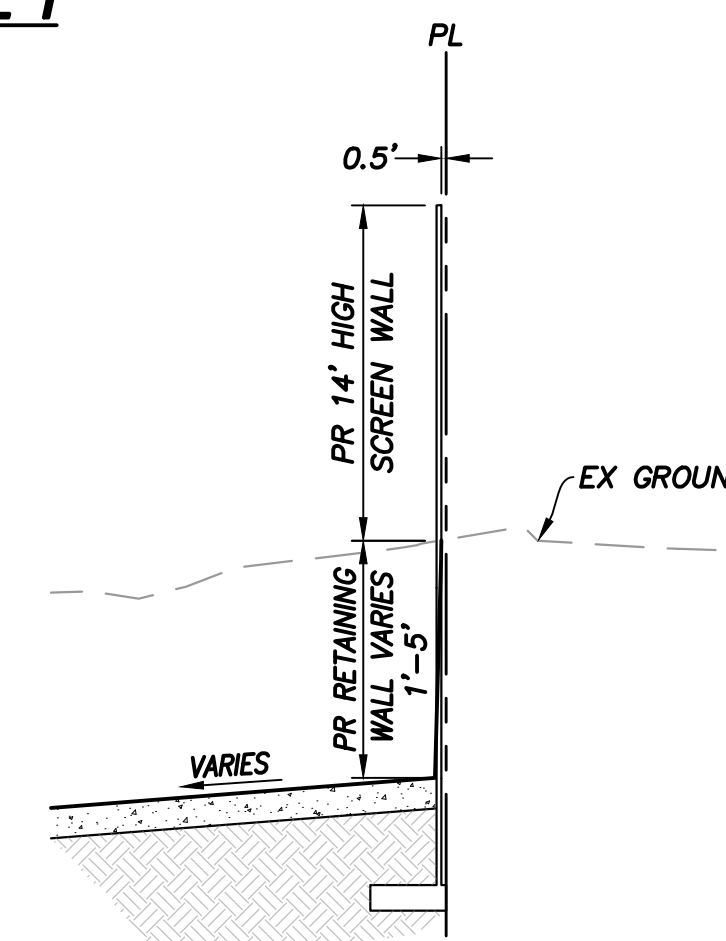
SECTION E-E
SCALE: 1"=20'(H.); 1"=4'(V.)



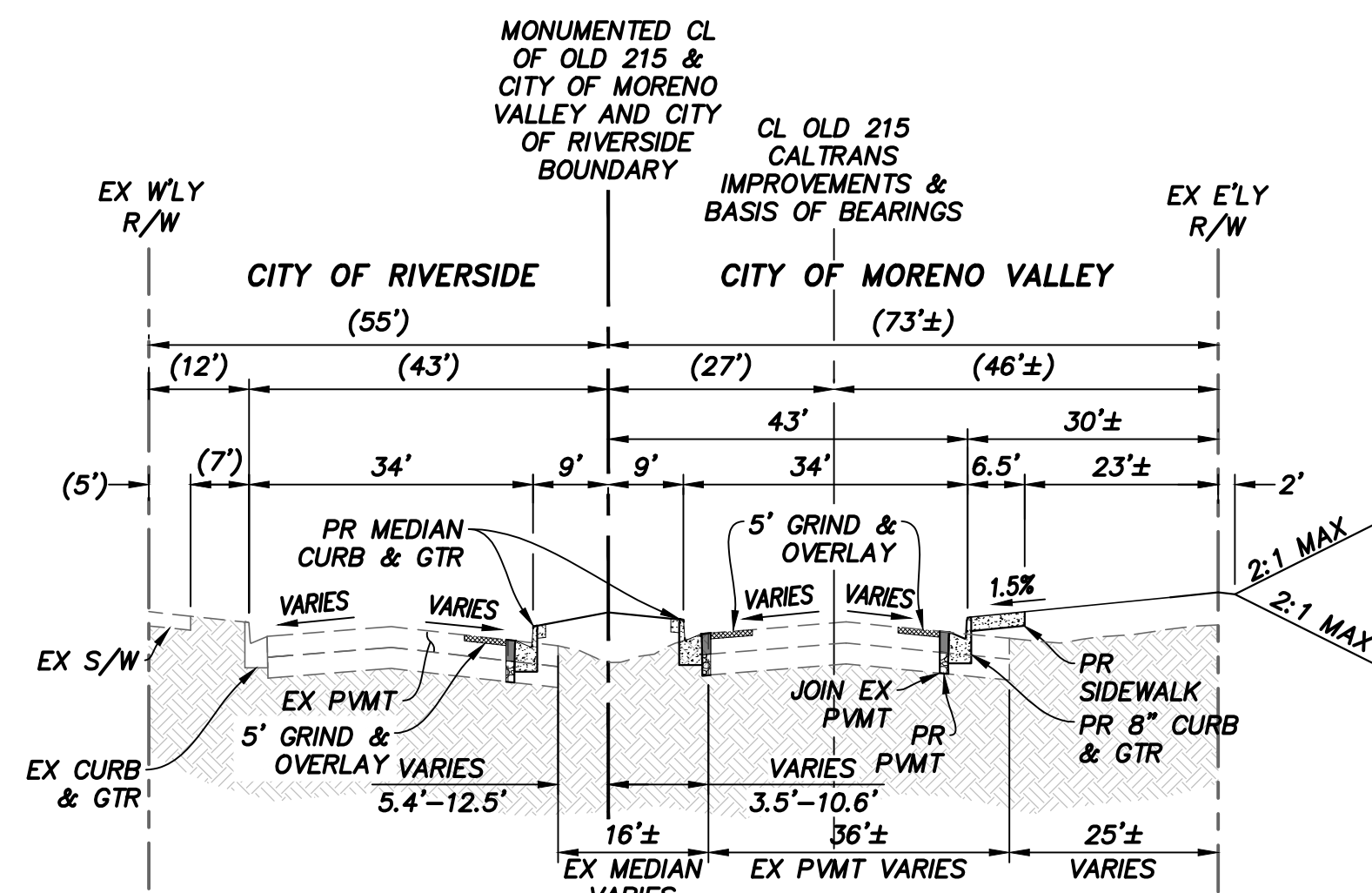
SECTION F-F
SCALE: 1"=20'(H.); 1"=4'(V.)



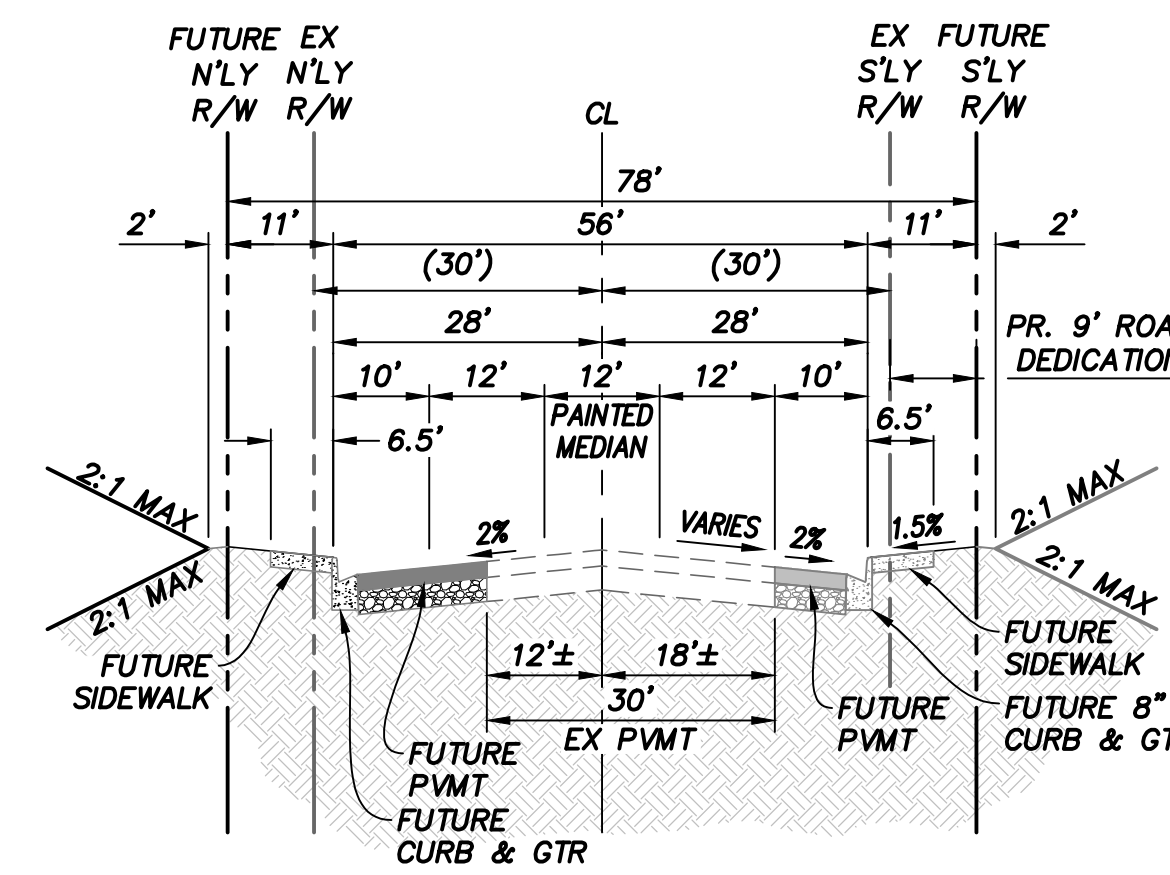
SECTION G-G
SCALE: 1"=20'(H.); 1"=4'(V.)



SECTION H-H
SCALE: 1"=20'(H.); 1"=4'(V.)



OLD 215 FRONTAGE ROAD (PUBLIC)
TYPICAL SECTION
4-LANE DIVIDED ARTERIAL-MVSI-103A-0
SCALE: 1"=20'



BAY STREET (PUBLIC)
TYPICAL SECTION
INDUSTRIAL COLLECTOR-MVSI-106A-0
SCALE: 1"=20'

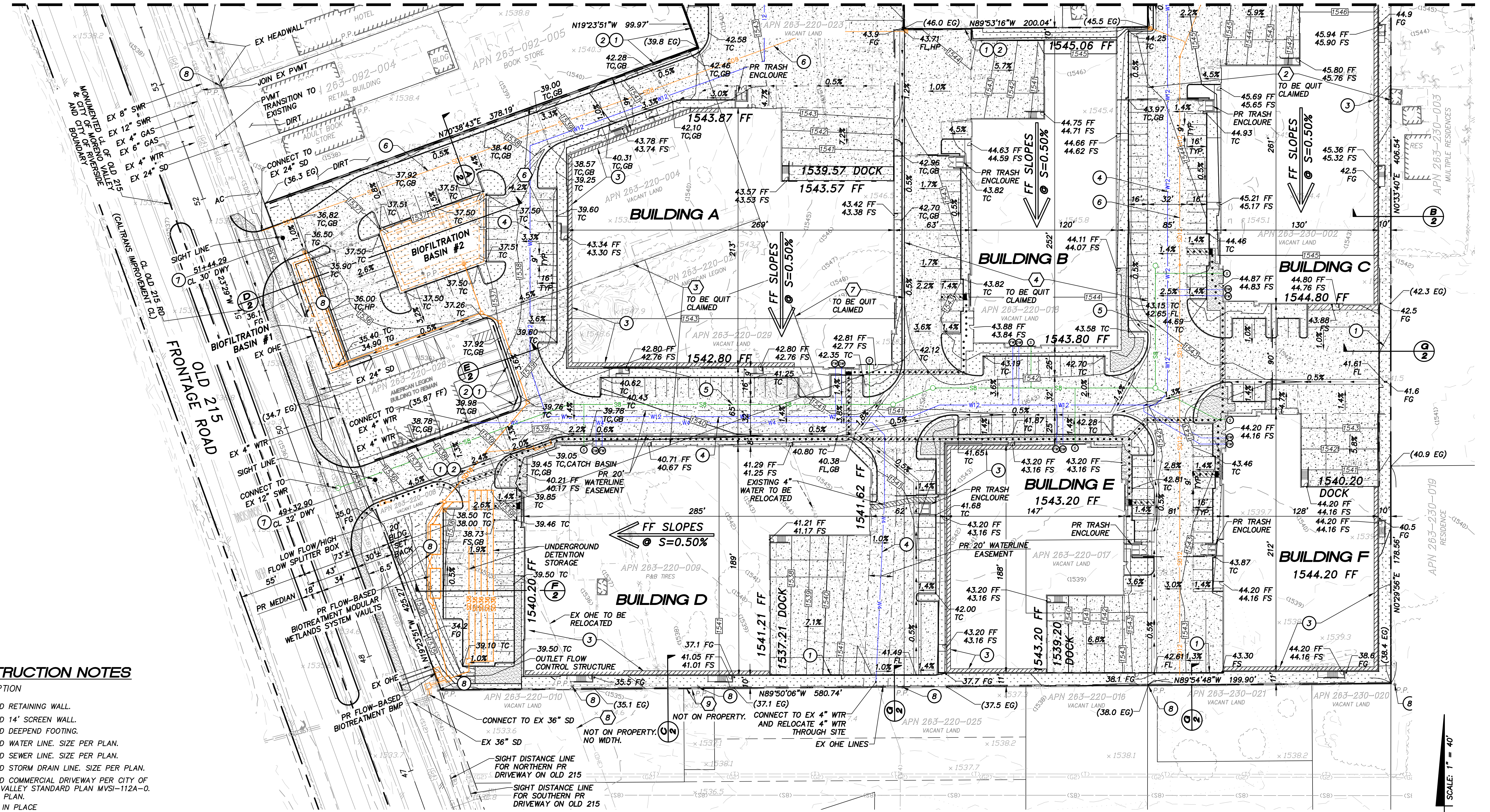
CONCEPTUAL GRADING PLAN
OLD 215 INDUSTRIAL
PEN21-0105
DETAILS AND SECTIONS

PLAN PREPARED 1/7/22 SHEET 2 OF 4

SB&O INC.
PLANNING ENGINEERING SURVEYING
41689 Enterprise Circle North, Suite 126
Temecula, Ca. 92590
951-695-8900
951-695-8901 Fax

MARK	DATE	INITIAL	DESCRIPTION	REC	APPR	DATE
			REVISION			

MATCH LINE - SEE SHEET 4

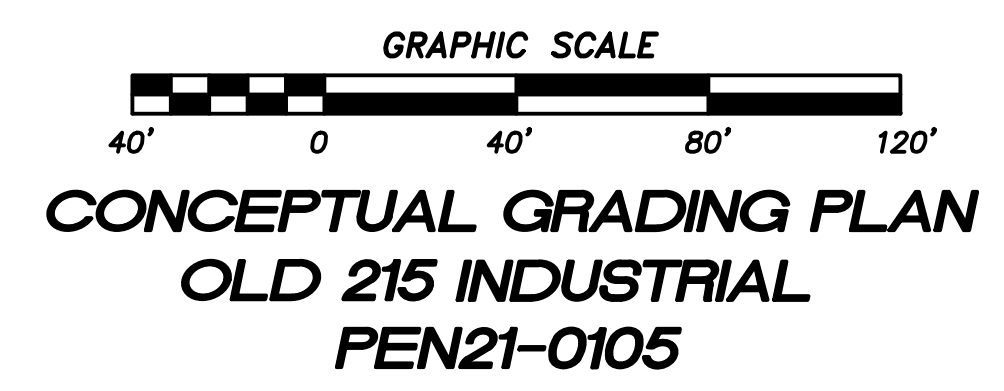


CONSTRUCTION NOTES

- DESCRIPTION
- 1 PROPOSED RETAINING WALL.
- 2 PROPOSED 14" SCREEN WALL.
- 3 PROPOSED DEEPEND FOOTING.
- 4 PROPOSED WATER LINE. SIZE PER PLAN.
- 5 PROPOSED SEWER LINE. SIZE PER PLAN.
- 6 PROPOSED STORM DRAIN LINE. SIZE PER PLAN.
- 7 PROPOSED COMMERCIAL DRIVEWAY PER CITY OF MORENO VALLEY STANDARD PLAN MVS1-112A-0. SIZE PER PLAN.
- 8 PROTECT IN PLACE

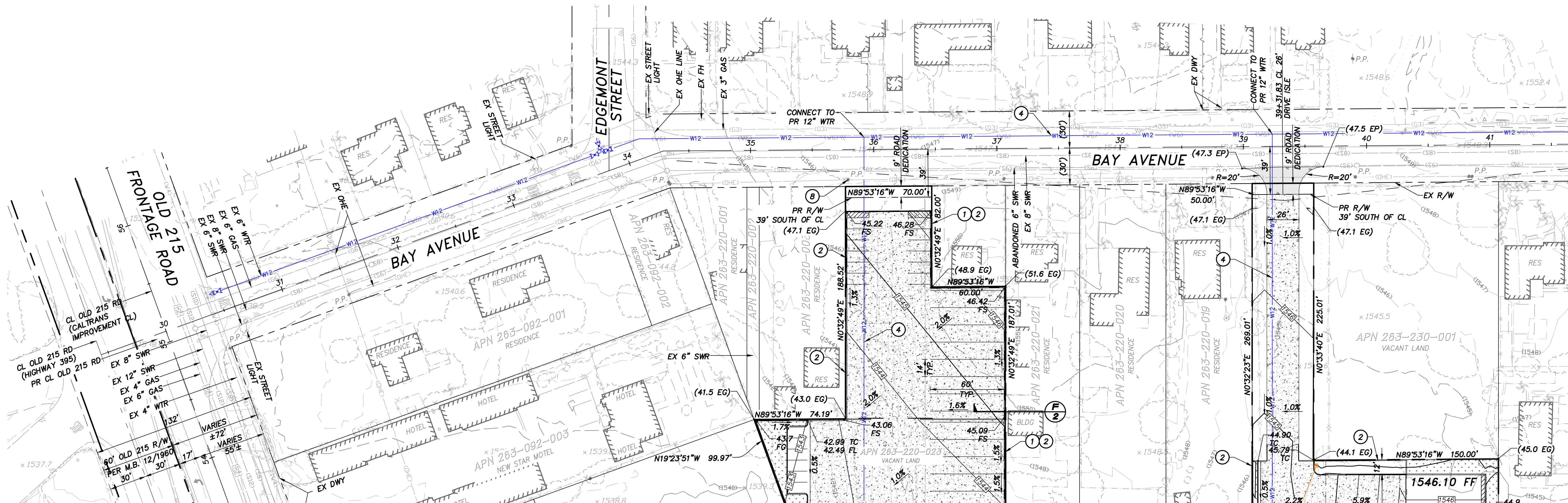
SB&O INC.
 PLANNING ENGINEERING SURVEYING
 41689 Enterprise Circle North, Suite 126
 Temecula, Ca. 92590
 951-695-8900
 951-695-8901 Fax

MARK	DATE	INITIAL	DESCRIPTION	REC	APPR	DATE



PLAN PREPARED 1/7/22 SHEET 3 OF 4

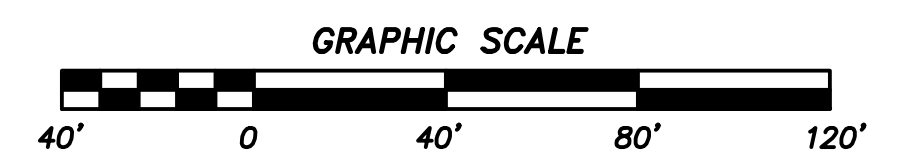
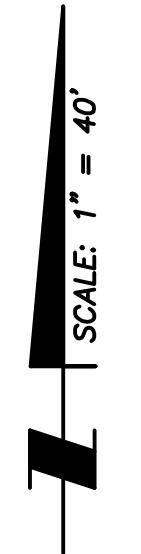
Attachment: Project Plans (5742 - Master Plot Plan (including Building A) and five Plot Plans (Buildings B through F) for six warehouses)



MATCH LINE - SEE SHEET 3

CONSTRUCTION NOTES

- DESCRIPTION
- 1 PROPOSED RETAINING WALL.
- 2 PROPOSED 14' SCREEN WALL.
- 3 PROPOSED DEPEND FOOTING.
- 4 PROPOSED WATER LINE. SIZE PER PLAN.
- 5 PROPOSED SEWER LINE. SIZE PER PLAN.
- 6 PROPOSED STORM DRAIN LINE. SIZE PER PLAN.
- 7 PROPOSED COMMERCIAL DRIVEWAY PER CITY OF MORENO VALLEY STANDARD PLAN MVS1-112A-0. SIZE PER PLAN.
- 8 PROTECT IN PLACE



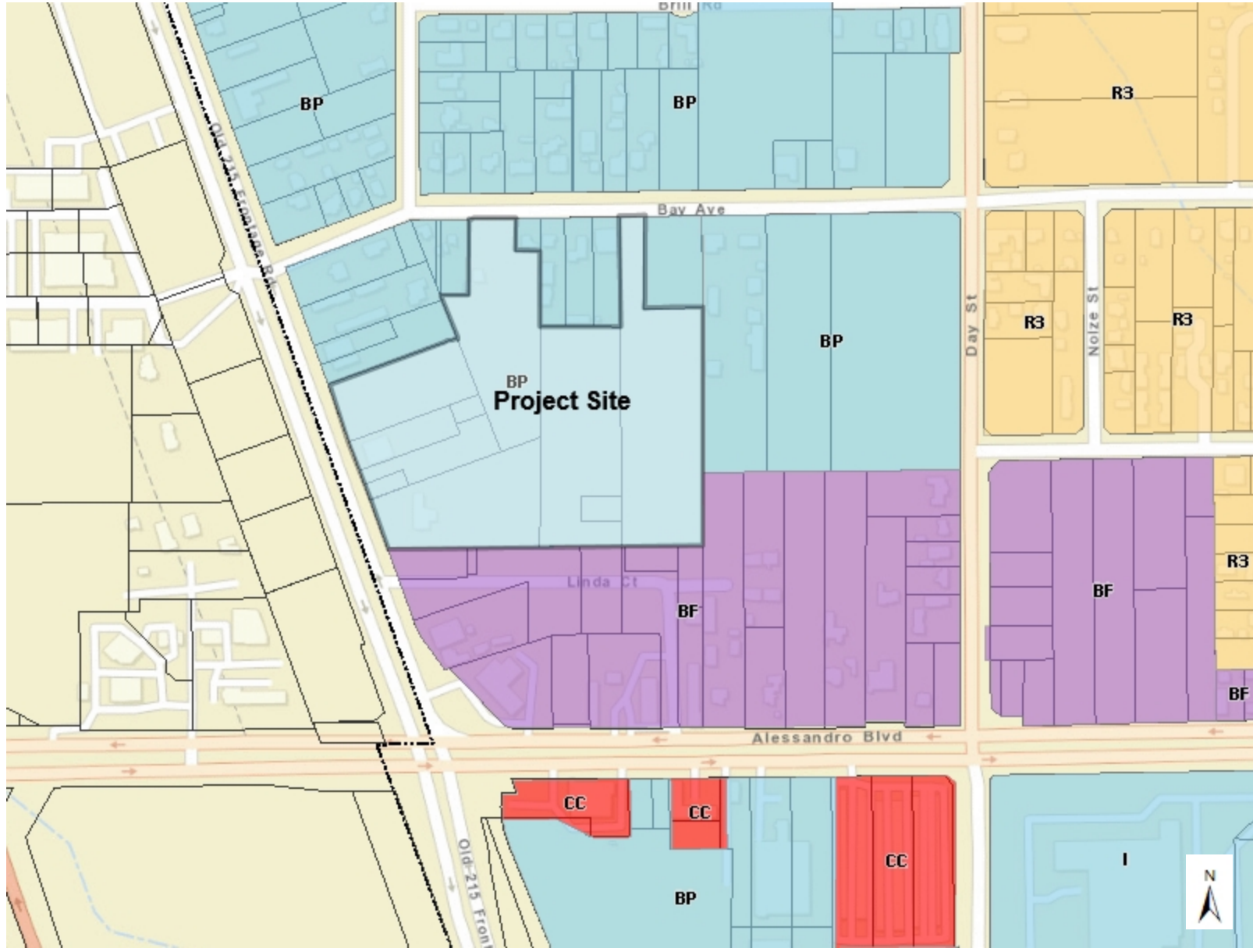
SB&O INC.
 PLANNING ENGINEERING SURVEYING
 41689 Enterprise Circle North, Suite 126
 Temecula, Ca. 92590
 951-695-8900
 951-695-8901 Fax

MARK	DATE	INITIAL	DESCRIPTION	REC	APPR	DATE
			REVISION			

**CONCEPTUAL GRADING PLAN
 OLD 215 INDUSTRIAL
 PEN21-0105**

PLAN PREPARED 1/7/22 SHEET 4 OF 4

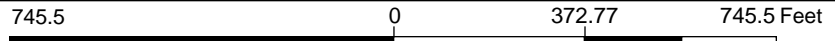
Zoning



Legend

Zoning

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



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

Notes:

PEN21-0105 (Master Plot Plan / Bldg. A) and PEN21-0106-0110 (Buildings B through F)

BLUM COLLINS & HO, LLP
ATTORNEYS AT LAW
AON CENTER
707 WILSHIRE BLVD., SUITE 4880
LOS ANGELES, CALIFORNIA 90017
(213) 572-0400

March 14, 2022

Luis Lopez, Contract Planner
 14177 Frederick Street
 Post Office Box 88005
 Moreno Valley, California 92552

VIA EMAIL TO:
LuisL@moval.org

Subject: Comments on Old 215 Industrial Park MND (SCH NO. 2022020461)

Dear Mr. Lopez,

Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the proposed Old 215 Industrial Park Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance (GSEJA). Also, GSEJA formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

1.0 Summary

The project proposes to demolish an existing single family residence, commercial building, and parking to construct and operate six industrial warehouse buildings. The project proposes a total of 182,759 square feet (sf) of warehousing space and 14,000 sf of office space across the six buildings. The project proposes approximately 235 passenger car parking spaces, 23 truck/trailer loading dock doors, 13 truck/trailer parking spaces adjacent to a residential property on Bay Ave., and a vehicular access driveway between two residences on Bay Ave.

2.0 Project Description

The MND does not include a floor plan, grading plan, detailed site plan, or elevations for buildings B, C, E, and F. The basic components of a Planning Application include a site plan, floor plan,

Luis Lopez
 March 14, 2022
 Page 2

grading plan, elevations, and written narrative. The site plan provided in Figure 6 does not provide any detailed information such as the earthwork quantity notes, parking requirements, site coverage, floor area ratio, etc. The MND has excluded these required application items from public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as these documents contribute directly to analysis of the problem at hand.

Providing this information is vital as the Project Description states the project "Grading work would consist of 24,000 cubic yards of cut and 24,000 cubic yards of fill. Earthwork is expected to balance onsite," and there is no method for public verification of this statement in the MND. Plans included in the RCALUC review agendas^{1,2} include this detailed information (elevations, floor plan, detailed site plan, etc.) that is excluded from the MND. The grading plan in the RCALUC review agenda states that the earthwork quantities require approximately 23,000 cubic yards (cy) of export and 24,000 cy of imported soils and materials. At minimum, 1,000 cy of soils and materials will be imported to the site and these hauling truck trips have not been accounted for in the MND analysis.

Additionally, the MND's operational characteristics of the project site are vague. No information is given about the end user/tenants of the property other than "it would operate as a business park." The RCALUC agenda materials indicate that the project is a "Penske truck facility." It is clear that more information is known about the project operational characteristics than is presented for modeling in the MND. Concealing information regarding the end user only serves to skew impacts downward by presenting an ambiguous analysis that is not specific to the impacts of the project. An EIR must be prepared to accurately model the proposed project with the known end user and operational characteristics applied in order to be an adequate informational document. It must also include required hauling trips and all application items for review, analysis, and comment by the public and decision makers.

3.3 Air Quality, 3.6 Energy, and 3.8 Greenhouse Gas Emissions

This comment letter will be supplemented with a complete technical commentary and analysis from SWAPE.

The MND does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According

¹ June 10, 2021 RCALUC agenda materials

https://www.rcaluc.org/Portals/13/aluc_agenda_061021.pdf?ver=2021-05-26-153553-323

² July 8, 2021 RCALUC agenda materials

https://www.rcaluc.org/Portals/13/aluc_agenda_070821.pdf?ver=2021-06-23-081224-090

Luis Lopez
March 14, 2022
Page 3

to CalEnviroScreen 4.0³, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6065042505) ranks worse than 99% of the rest of the state overall. The surrounding community, including residences immediately adjacent to the north and west, bears the impact of multiple sources of pollution and is more polluted than other census tracts in many pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 99th percentile for ozone burden, 64th percentile for PM 2.5 burden, 64th percentile for diesel particulate matter burdens, and 84th percentile for traffic impacts, which are attributed to heavy truck activity in the area. The census tract ranks in the 67th percentile for solid waste⁴ impacts. Solid waste sites and facilities contribute to the contamination of air, water and soil near these facilities. They can harm the environment and expose people to hazardous chemicals. The census tract also ranks in the 83rd percentile for cleanup sites impacts and 57th percentile for impacts from hazardous waste facilities.

Further, the census tract is a diverse community including 85% Hispanic and 10% Asian-American residents, which are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 94% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 94th percentile for incidence of low birth weights, 85th percentile for incidence of cardiovascular disease, and 69th percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 79% of the census tract speaks little to no English and faces further challenges and inequities due to this.

Additionally, the project's census tract (6065042505) is identified as a SB 535 Disadvantaged Community⁵, which is not discussed or presented for analysis in the MND.

The State of California lists three approved energy compliance modeling softwares⁶ for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The spreadsheet-based modeling and CalEEMod energy calculations in the MND do not comply with the 2019 Building Energy Efficiency Standards and under reports the project's potentially significant GHG and Energy impacts to the public and decision makers. Since the MND did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. An EIR with modeling in one of the approved software

³ CalEnviroScreen 4.0 <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

⁴ OEHHA Hazardous Waste Generators and Facilities
<https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities>

⁵ OEHHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

⁶ 2019 Building Energy Efficiency Standards Approved Computer Compliance Programs, California Energy Commission. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency-2>

types must be circulated for public review in order to adequately analyze the project's potentially significant environmental impacts. This is vital as the MND utilizes CalEEMod as a source in its methodology and analysis, which is clearly not one of the approved softwares.

3.4 Biological Resources

According to Appendix C: Biological Resources Assessment, a field survey was conducted on March 13, 2021. Appendix C also states that “a habitat assessment for burrowing owl was conducted on the site,” but does not provide the date of the assessment or other information regarding site conditions required by the Western Riverside MSHCP Burrowing Owl Survey Instructions⁷. An EIR must be prepared to provide a map of the transects walked, area surveyed, and details regarding temperature, start/finish times, and precipitation as required by the MSHCP for burrowing owl assessments. It must be noted that the MSHCP instructions will not accept surveys completed within five days of precipitation. Based on a survey date of March 13, 2021, Moreno Valley experienced rain on March 10 (0.53 inches), March 11 (0.33 inches), March 12 (0.22 inches), and March 13 (0.03 inches), for a total of 1.11 inches of precipitation in five days of the field survey. An EIR must be prepared to include this information in order to be an adequate informational document in compliance with the MSHCP Instructions.

3.11 Land Use and Planning

Table LU-1: General Plan Consistency does not provide a consistency analysis with all applicable General Plan policies. An EIR must be prepared with this analysis, including the following:

LCC.1-8: Promote a land and resource efficient development pattern in order to support efficient delivery of public services and infrastructure, conserve open space lands surrounding the city, reduce vehicle trip lengths and improve air quality.

LCC.1-12: Balance levels of employment and housing within the community to provide more opportunities for Moreno Valley residents to work locally, cut commute times, and improve air quality.

C.2-6: Wherever possible, minimize the frequency of access points along streets by the consolidation of access points between adjacent properties on all circulation element streets, excluding collectors.

C.3-1: Strive to maintain Level of Service (LOS) “C” on roadway links, wherever possible, and LOS “D” in the vicinity of SR 60 and high employment centers. Strive to maintain LOS “D” at intersections during peak hours.

⁷ Western Riverside MSHCP Burrowing Owl Survey Instructions
https://www.rctlma.org/Portals/3/EPD/consultant/burrowing_owl_survey_instructions.pdf

C.3-3: Where new developments would increase traffic flows beyond the LOS C (or LOS D, where applicable), require appropriate and feasible improvement measures as a condition of approval. Such measures may include extra right-of-way and improvements to accommodate additional left-turn and right-turn lanes at intersections, or other improvements.

C.3-4: Require development projects to complete traffic impact studies that conduct vehicle miles traveled analysis and level of service assessment as appropriate per traffic impact study guidelines.

C.5-1: Work to reduce VMT through land use planning, enhanced transit access, localized attractions, and access to nonautomotive modes.

Goal EJ-1: Reduce pollution exposure and improve community health.

EJ.1-3: Require new development that would locate sensitive uses adjacent to sources of toxic air contaminants (TAC) to be designed to minimize any potential health risks, consistent with State law.

Providing a complete consistency/inconsistency analysis is vital as the project is immediately adjacent to residential properties in a SB35 designated Disadvantaged Community. The proposed site design includes a vehicular access point on Bay Ave. that bisects two residential properties.

Further, the analysis regarding “Circulation Element Policy 2-5: Prohibit points of access from conflicting with other existing or planned access points. Require points of access to roadways to be separated sufficiently to maintain capacity, efficiency, and safety of the traffic flow,” only states that the project “would be reviewed by the City in order to ensure access points are designed per City standards.” The MND does not provide any meaningful evidence to support a finding of consistency with this policy. Deferring review of the access points to a later date represents deferred mitigation in violation of CEQA. The project proposes two access points on 215 Frontage Road and one access point on Bay Ave. The MND has not provided any information regarding the distance of the proposed access points from nearby intersections, the the total number of access points on each of these streets, or the distance between the proposed driveways and any existing driveways. Notably, the access point on Bay Ave. is between two existing residential properties that also have driveway access points. The MND does not provide any information regarding adequate truck turning radius, line of sight distance, left turn restrictions, or other safety measures regarding truck access. An EIR must be prepared which includes accurate and adequate analysis to provide meaningful evidence of consistency.

The MND does not include a consistency analysis with the goals of SCAG’s 2020-2045 RTP/SCS (Connect SoCal). Due to errors in modeling and modeling without supporting evidence as noted throughout this comment letter, the proposed project has significant potential for inconsistency with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy

Luis Lopez
 March 14, 2022
 Page 6

and equitable communities, and Goal 7 to adapt to a changing climate. An EIR must be prepared to include an analysis with the 2020-2045 RTP/SCS Connect SoCal document.

The MND erroneously concludes that the proposed project will not physically divide an established community and does not provide any meaningful evidence to support its conclusion. Due to the project irregular lot shop and apparent consolidation of several lots, the overall project site is disjointed and appears parceled off. As depicted in Figure 6 - Conceptual Site Plan, the proposed project physically divides the established community in three areas. First, the project cuts off the connection from American Legion property to the rest of the surrounding community and the adjacent street. The American Legion property must utilize one of the driveways on the project site to access their property. On the north side of the site, the project proposes a trailer parking yard that will divide the connection between three residential properties and an access driveway that will divide the connection between two residential properties. The residential parcels that remain between the trailer parking yard and access driveway are too small to accommodate a feasible new development, which further depicts how they will be physically divided from the established community for the life of the proposed project, at minimum.

3.14 Population and Housing

The MND concludes that impacts to population and housing will not be significant. The MND's methodology for calculating the number of jobs generated by the project is not adequate because it utilizes the employment generation factor from the County of Riverside's General Plan⁸, which "covers the entire unincorporated portion of the County of Riverside," and is not intended to be utilized for analysis by incorporated cities. The City of Moreno Valley's General Plan FEIR⁹ utilizes SCAG's Employment Density Study¹⁰ as the methodology for calculating its buildout projections for population and employment. An EIR must be prepared utilizing SCAG's Employment Density Study as the methodology for calculating the number of jobs generated by the proposed project. The SCAG Employment Density Study provides the following applicable employment generation rates for Riverside County:

Office: 1 employee per 481 square feet

Warehouse: 1 employee per 581 square feet

⁸ County of Riverside General Plan

[https://planning.rctlma.org/Portals/14/genplan/general Plan 2017/elements/OCT17/Ch01 Intro 120815.pdf?ver=2017-10-11-102103-380](https://planning.rctlma.org/Portals/14/genplan/general%20Plan%202017/elements/OCT17/Ch01%20Intro%20120815.pdf?ver=2017-10-11-102103-380)

⁹ Moreno Valley General Plan FEIR [https://moval.gov/city_hall/general-plan2040/Environmental/MV2040 FinalEIR W-CommentResponse.pdf](https://moval.gov/city_hall/general-plan2040/Environmental/MV2040_FinalEIR_W-CommentResponse.pdf)

¹⁰ SCAG Employment Density Study

<http://www.mwcog.org/file.aspx?A=QTTITR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D>

Luis Lopez
 March 14, 2022
 Page 7

Applying these ratios results in the following calculation:

Office: $14,000 \text{ sf} / 481 \text{ sf} = 30 \text{ employees}$

Warehouse: $182,759 \text{ sf} / 581 = 315 \text{ employees}$

Total: 345 employees

Utilizing SCAG's Employment Density Study ratios, the proposed project will generate 345 employees. The MND utilizes uncertain and misleading language which does not provide any meaningful analysis of the project's population and employment generation. In order to comply with CEQA's requirements for meaningful disclosure, an EIR must be prepared to provide an accurate estimate of employees generated by all uses of the proposed project. It must also provide demographic and geographic information on the location of qualified workers to fill these positions.

SCAG's Connect SoCal Demographics and Growth Forecast¹¹ notes that the City will add 29,400 jobs between 2016 - 2045. Utilizing SCAG's Employment Density Study calculation of 345 employees, the project represents 1.1% of the City's employment growth from 2016 - 2045. A single project accounting for this amount of the projected employment over 29 years represents a significant amount of growth. An EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2016, other pending projects, and projects "in the pipeline" to determine if the project will exceed SCAG's employment growth forecast for the City.

3.17 Transportation

The project's VMT impacts are misrepresented by the WRCOG VMT modeling. The MND relies upon a VMT screening analysis which concludes that the proposed project site is located in a low VMT-generating Traffic Analysis Zone (TAZ) which results in less than significant Transportation impacts. Appendix C states the project is located in TAZ ID 3,670 (WRCOG VMT Modeling Program notes it is TAZ ID 1228), which is bound by Eucalyptus Ave. to the north, Day St. to the west, Alessandro Blvd. to the south, and 215 Frontage Road to the east. The TAZ is mostly comprised of primarily vacant land and underdeveloped properties with other low-density residential development and a few commercial properties. The proposed project is unique in that the TAZ in which the Project site is located does not contain any other operational warehouse buildings and is at least 50% vacant land. The VMT screening analysis does not adequately or

¹¹ SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020
https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579

Luis Lopez
March 14, 2022
Page 8

accurately represent the VMT impacts of the proposed project and an EIR must be prepared with a project-specific VMT analysis. The operational nature of industrial/warehouse uses involves high rates of truck/trailer VMT due to traveling from large regional distribution centers to smaller industrial parks (such as the proposed project) and then to their final delivery destinations.

Further, Fehr and Peer's WRCOG SB 743 Implementation Pathway Document Package¹² states that the Governor's Office of Planning and Research (OPR) "recommends that a per capita or per employee VMT that is fifteen percent below that of existing development" is a reasonable threshold to determine that a project would have a less than significant VMT impact. The MND concludes that the City average daily residential home-based VMT per capita is 11.01 miles and the Project TAZ daily residential home-based VMT per capita is 10.23 miles, which is 0.78 miles lower than the City average. This does not meet the OPR threshold of a 15% reduction in existing VMT because it is only a 7.08% reduction.

Further, Table 4.2 Trip Summary of the Air Quality Appendix CalEEMod output sheets indicates that the project will generate approximately 163 average daily truck/trailer trips and 2,047,760 annual VMT (2,047,760 / 365 days = 5,610 daily total truck/trailer VMT) which is much greater than the project TAZ VMT per employee of 10.23 miles traveled. Additionally, the CalEEMod output sheets state that the project will generate approximately 163 average daily passenger car trips and 2,114,404 annual VMT (2,114,404 / 365 days = 5,793 daily total VMT) which is much greater than the project TAZ VMT per employee of 10.23 miles traveled. The total combined daily VMT generated by the project is 11,403 VMT, which is exponentially greater than the project TAZ VMT per employee of 10.23 miles traveled.

An EIR must be prepared with a project-specific VMT analysis that includes a quantified VMT analysis with all truck/trailer activity to adequately and accurately analyze the potentially significant project transportation impacts. Including truck/trailer VMT for analysis of industrial projects is vital as these trips are unable to be diverted to other modes of transportation (walking, biking, public transit, etc.).

Conclusion

For the foregoing reasons, GSEJA believes the MND is flawed and an EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all

¹² WRCOG SB 743 Implementation Pathway Document Package <https://www.fehrandpeers.com/wp-content/uploads/2019/12/WRCOG-SB743-Document-Package.pdf>

Luis Lopez
March 14, 2022
Page 9

communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Sincerely,

A handwritten signature in black ink, appearing to be 'Gary Ho', written in a cursive style.

Gary Ho
Blum Collins and Ho, LLP

From: [George Hague](#)
To: [Luis Lopez](#)
Cc: [Sean P. Kelleher](#); [Pat Jacquez-Nares, MPA, CMC & CERA](#)
Subject: Comments Old 215 Business Park
Date: Tuesday, March 15, 2022 3:44:34 PM
Attachments: [AG warehouse-best-practices March 21.pdf](#)
[ATT00001.htm](#)

Warning: External Email – Watch for Email Red Flags!

Good afternoon Mr Lopez,

This project needs to be called the Old 395 Business Park.

In reading over the environmental reports/documents it is very evident you have not followed the recommendations from the State Attorney General’s office on warehouses Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act. Failure to do what they recommend which is found below makes the Old 215 Business Park IS/MND inadequate. This is especially true because much of our city is a state designated Disadvantage Community (SB 535) due in large part to existing pollution caused by warehousing operations. The full direct, indirect and cumulative impacts have not been addressed and I hope the Attorney General’s letter will help you address these inadequacies with the existing documents to protect the Health, Safety and Welfare of Moreno Valley residents.

XAVIER BECERRA State of California

Attorney General DEPARTMENT OF JUSTICE

Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

In carrying out its duty to enforce laws across California, the California Attorney General’s Bureau of Environmental Justice (Bureau)¹ regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies, and in rare cases the Bureau has filed litigation to enforce CEQA.² This document builds upon the Bureau’s comment letters, collecting knowledge gained from the Bureau’s review of hundreds of warehouse projects across the state. It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.³ While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, the overwhelming majority of which have been adapted from actual warehouse projects in California.

1 <https://oag.ca.gov/environment/justice>.

2 <https://oag.ca.gov/environment/ceqa/letters>; *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

3 Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

4 As used in this document, “warehouse” or “logistics facility” is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short or long

term basis for later distribution to businesses and/or retail customers.

5 Industrial Warehousing in the SCAG Region, Task 2. Inventory of Warehousing Facilities (April 2018), http://www.scag.ca.gov/Documents/Task2_FacilityInventory.pdf at 1-1, 2-11.

6 Los Angeles Times, *When your house is surrounded by massive warehouses*, October 27, 2019, <https://www.latimes.com/california/story/2019-10-27/fontana-california-warehouses-inland-empire-pollution>.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.⁴ California, with its ports, population centers, and transportation network, has found itself at the center of this trend. For example, in 2014, 40 percent of national container cargo flowed through Southern California, which was home to nearly 1.2 billion square feet of warehouse facilities.⁵ In the Inland Empire alone, 150 million square feet of new industrial space was built over the last decade,⁶ and 21 of the largest 100 logistics leases signed in 2019 nationwide were in the Inland

Empire, comprising 17.5 million square feet.⁷ This trend has not slowed, even with the economic downturn caused by COVID-19, as e-commerce has continued to grow.⁸ Forecasts predict that the Central Valley is where a new wave of warehouse development will go.⁹

⁷ CBRE, *Dealmakers: E-Commerce & Logistics Firms Drive Demand for Large Warehouses in 2019* (January 23, 2020), <https://www.cbre.us/research-and-reports/US-MarketFlash-Dealmakers-E-Commerce-Logistics-Firms-Drive-Demand-for-Large-Warehouses-in-2019>; see also CBRE, *E-Commerce and Logistics Companies Expand Share Of Largest US Warehouse Leases*, *CBRE Analysis Finds* (Feb. 25, 2019),

<https://www.cbre.us/about/media-center/inland-empire-largest-us-warehouse-leases> (20 of the largest 100 warehousing leases in 2018 were in the Inland Empire, comprising nearly 20 million square feet).

⁸ CBRE, 2021 U.S. Real Estate Market Outlook, Industrial & Logistics,

<https://www.cbre.us/research-and-reports/2021-US-Real-Estate-Market-Outlook-Industrial-Logistics>; Kaleigh Moore, *As Online Sales Grow During COVID-19, Retailers Like Montce Swim Adapt And Find Success*, *FORBES* (June 24, 2020), available at <https://www.forbes.com/sites/kaleighmoore/2020/06/24/as-online-sales-grow-during-covid-19-retailers-like-montce-swim-adapt-and-find-success/>.

⁹ New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), available at <https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html>.

¹⁰ California Air Resources Board, Nitrogen Dioxide & Health,

<https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NOx); California Air

Resources Board, Summary: Diesel Particular Matter Health Impacts,

<https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust,

<https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel14-02.pdf> (DPM).

¹¹ Noise Sources and Their Effects,

<https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

When done properly, these activities can contribute to the economy and consumer welfare.

However, imprudent warehouse development can harm local communities and the

environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide

(NOx)—a primary precursor to smog formation and a significant factor in the development of

respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹⁰ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.¹¹ The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents. These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts. 3

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically address warehouse development, we encourage governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and guide sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide. Proactive planning can take any number of forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors can help avoid conflicts between warehouse facilities and residential communities.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.¹²

¹² For more information about SB 1000, see <https://oag.ca.gov/environment/sb1000>.

¹³ <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf> (Riverside County); <https://riversideca.gov/planning/pdf/good-neighbor-guidelines.pdf> (City of Riverside); http://qcode.us/codes/morenovalley/view.php?topic=9-9_05-9_05_050&frames=on (City of Moreno Valley); <http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId=> (Western Riverside Council of Governments).

The Bureau is aware of four good neighbor policies in California: Riverside County, the City of Riverside, the City of Moreno Valley, and the Western Riverside Council of Governments.¹³ These policies provide minimum standards that all warehouses in the jurisdiction must meet. For example, the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors, and it requires a number of design features to reduce truck impacts on nearby sensitive receptors. The Riverside County policy requires vehicles entering sites during both construction and operation to meet certain California Air Resources Board (CARB) guidelines, and it requires community benefits agreements and supplemental funding contributions toward additional pollution offsets.

The Bureau encourages jurisdictions to adopt their own local ordinances and/or good neighbor

policies that combine the most robust policies from those models with measures discussed in the remainder of this document. 4

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.

Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The information should be in a format that is easy to navigate and understand for members of the affected community.

Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.

Providing translation or interpretation in residents' native language, where appropriate.

For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.

Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.

Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the community.

Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.

Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community relations officer to the surrounding community.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near other sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local 5

communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of

the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

Per CARB guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.¹⁴

Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks.

Providing adequate areas for on-site parking, on-site queuing, and truck check-in that prevent trucks and other vehicles from parking or idling on public streets.

Placing facility entry and exit points from the public street away from sensitive receptors, e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.

Locating warehouse dock doors and other onsite areas with significant truck traffic and noise away from sensitive receptors, e.g., placing these dock doors on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.

Screening dock doors and onsite areas with significant truck traffic with physical, structural, and/or vegetative barriers that adequately prevent or substantially reduce pollutant dispersal from the facility towards sensitive receptors.

Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.

Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

14 California Air Resources Board (CARB), Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted under varying scenarios; this document may be found on CARB's website and is entitled: "California Sustainable Freight Initiative: Concept Paper for the Freight Handbook" (December 2019).

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers 6

should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as regulations tighten and demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation. CEQA Guidelines § 15369.

When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.

Preparing a quantitative air quality study in accordance with local air district guidelines.

Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.

Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is a baseline expectation.

Fully analyzing impacts from truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin. Emissions beyond the air basin are not speculative, and, because air pollution is not static, may contribute to air basin pollution. Moreover, any contributions to air pollution outside the local air basin should be quantified and their significance should be considered.

Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California's Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

Requiring off-road construction equipment to be zero-emission, where available, and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable

7

bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.

Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.

Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.

Limiting the amount of daily grading disturbance area.

Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.

Forbidding idling of heavy equipment for more than two minutes.

Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.

Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.

Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.

Providing information on transit and ridesharing programs and services to construction employees.

Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.

Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.

Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.

Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.

Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.

Posting both interior- and exterior-facing signs, including signs directed at all

8

dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.

Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.

Constructing electric truck charging stations proportional to the number of dock doors at the project.

Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.

Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.

Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.

Requiring all stand-by emergency generators to be powered by a non-diesel fuel.

Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

Requiring operators to establish and promote a rideshare program that discourages single-

occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.

Achieving certification of compliance with LEED green building standards.

Providing meal options onsite or shuttles between the facility and nearby meal destinations.

Posting signs at every truck exit driveway providing directional information to the truck route.

Improving and maintaining vegetation and tree canopy for residents in and around the project area.

Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.

Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants to use carriers that are SmartWay carriers.

9

Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.

Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

Examples of measures to mitigate noise impacts include:

Constructing physical, structural, or vegetative noise barriers on and/or off the project site.

Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.

Verifying that construction equipment has properly operating and maintained mufflers.

Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier

- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if

10
truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.

- Installing signs in residential areas noting that truck and employee parking is prohibited.

- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.

- Consulting with the local public transit agency and securing increased public transit service to the project area.

- Designating areas for employee pickup and drop-off.

- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.

- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.

- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.

- Constructing roadway improvements to improve traffic flow.

- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.

- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.

- Sweeping surrounding streets on a daily basis during construction to remove any

construction-related debris and dirt.

Directing all lighting at the facility into the interior of the site.

11

Using full cut-off light shields and/or anti-glare lighting.

Using cool pavement to reduce heat island effects.

Installing climate control in the warehouse facility to promote worker well-being.

Installing air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions

The Attorney General (AG) letter found above and also attached should have been your guiding document and clearly it wasn't. You have time to do what's right by the people who live in Moreno Valley and also the decision makers prior to public meetings. I look forward to reading improvements which reflects the AG's letter with future documents. Keep me aware of all meetings and future documents in a timely manner.

Thank You,

George Hague

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)¹ regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies, and in rare cases the Bureau has filed litigation to enforce CEQA.² This document builds upon the Bureau's comment letters, collecting knowledge gained from the Bureau's review of hundreds of warehouse projects across the state. It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.³ While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, the overwhelming majority of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.⁴ California, with its ports, population centers, and transportation network, has found itself at the center of this trend. For example, in 2014, 40 percent of national container cargo flowed through Southern California, which was home to nearly 1.2 billion square feet of warehouse facilities.⁵ In the Inland Empire alone, 150 million square feet of new industrial space was built over the last decade,⁶ and 21 of the largest 100 logistics leases signed in 2019 nationwide were in the Inland

¹ <https://oag.ca.gov/environment/justice>.

² <https://oag.ca.gov/environment/ceqa/letters>; *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

³ Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

⁴ As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short or long term basis for later distribution to businesses and/or retail customers.

⁵ Industrial Warehousing in the SCAG Region, Task 2. Inventory of Warehousing Facilities (April 2018), http://www.scag.ca.gov/Documents/Task2_FacilityInventory.pdf at 1-1, 2-11.

⁶ Los Angeles Times, *When your house is surrounded by massive warehouses*, October 27, 2019, <https://www.latimes.com/california/story/2019-10-27/fontana-california-warehouses-inland-empire-pollution>.

Empire, comprising 17.5 million square feet.⁷ This trend has not slowed, even with the economic downturn caused by COVID-19, as e-commerce has continued to grow.⁸ Forecasts predict that the Central Valley is where a new wave of warehouse development will go.⁹

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹⁰ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.¹¹ The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents. These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts.

⁷ CBRE, *Dealmakers: E-Commerce & Logistics Firms Drive Demand for Large Warehouses in 2019* (January 23, 2020), <https://www.cbre.us/research-and-reports/US-MarketFlash-Dealmakers-E-Commerce-Logistics-Firms-Drive-Demand-for-Large-Warehouses-in-2019>; see also CBRE, *E-Commerce and Logistics Companies Expand Share Of Largest US Warehouse Leases, CBRE Analysis Finds* (Feb. 25, 2019), <https://www.cbre.us/about/media-center/inland-empire-largest-us-warehouse-leases> (20 of the largest 100 warehousing leases in 2018 were in the Inland Empire, comprising nearly 20 million square feet).

⁸ CBRE, 2021 U.S. Real Estate Market Outlook, Industrial & Logistics, <https://www.cbre.us/research-and-reports/2021-US-Real-Estate-Market-Outlook-Industrial-Logistics>; Kaleigh Moore, *As Online Sales Grow During COVID-19, Retailers Like Montce Swim Adapt And Find Success*, FORBES (June 24, 2020), available at <https://www.forbes.com/sites/kaleighmoore/2020/06/24/as-online-sales-grow-during-covid-19-retailers-like-montce-swim-adapt-and-find-success/>.

⁹ New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), available at <https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html>.

¹⁰ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

¹¹ Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically address warehouse development, we encourage governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and guide sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take any number of forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors can help avoid conflicts between warehouse facilities and residential communities.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.¹²

The Bureau is aware of four good neighbor policies in California: Riverside County, the City of Riverside, the City of Moreno Valley, and the Western Riverside Council of Governments.¹³ These policies provide minimum standards that all warehouses in the jurisdiction must meet. For example, the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors, and it requires a number of design features to reduce truck impacts on nearby sensitive receptors. The Riverside County policy requires vehicles entering sites during both construction and operation to meet certain California Air Resources Board (CARB) guidelines, and it requires community benefits agreements and supplemental funding contributions toward additional pollution offsets.

The Bureau encourages jurisdictions to adopt their own local ordinances and/or good neighbor policies that combine the most robust policies from those models with measures discussed in the remainder of this document.

¹² For more information about SB 1000, see <https://oag.ca.gov/environment/sb1000>.

¹³ <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf> (Riverside County); <https://riversideca.gov/planning/pdf/good-neighbor-guidelines.pdf> (City of Riverside); http://qcode.us/codes/morenovalley/view.php?topic=9-9_05-9_05_050&frames=on (City of Moreno Valley); <http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId=> (Western Riverside Council of Governments).

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The information should be in a format that is easy to navigate and understand for members of the affected community.
- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community relations officer to the surrounding community.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near other sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local

communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per CARB guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.¹⁴
- Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks.
- Providing adequate areas for on-site parking, on-site queuing, and truck check-in that prevent trucks and other vehicles from parking or idling on public streets.
- Placing facility entry and exit points from the public street away from sensitive receptors, e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Locating warehouse dock doors and other onsite areas with significant truck traffic and noise away from sensitive receptors, e.g., placing these dock doors on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Screening dock doors and onsite areas with significant truck traffic with physical, structural, and/or vegetative barriers that adequately prevent or substantially reduce pollutant dispersal from the facility towards sensitive receptors.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers

¹⁴ California Air Resources Board (CARB), Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted under varying scenarios; this document may be found on CARB's website and is entitled: "California Sustainable Freight Initiative: Concept Paper for the Freight Handbook" (December 2019).

should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as regulations tighten and demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation. CEQA Guidelines § 15369.
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is a baseline expectation.
- Fully analyzing impacts from truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin. Emissions beyond the air basin are not speculative, and, because air pollution is not static, may contribute to air basin pollution. Moreover, any contributions to air pollution outside the local air basin should be quantified and their significance should be considered.
- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California's Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be zero-emission, where available, and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable

bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.
- Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than two minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all

dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Constructing electric truck charging stations proportional to the number of dock doors at the project.
- Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Achieving certification of compliance with LEED green building standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants to use carriers that are SmartWay carriers.

- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if

truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.

- Using full cut-off light shields and/or anti-glare lighting.
- Using cool pavement to reduce heat island effects.
- Installing climate control in the warehouse facility to promote worker well-being.
- Installing air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

From: [George Hague](#)
 To: [Luis Lopez](#)
 Cc: [Sean P. Kelleher](#); [Pat Jacquez-Nares, MPA, CMC & CERA](#); [City Clerk](#)
 Subject: Comments Old 215 Business Park & AG's recommended mitigations for warehouse projects
 Date: Wednesday, March 16, 2022 9:49:57 PM
 Attachments: [AG warehouse-best-practices March 21.pdf](#)
[ATT00001.htm](#)

Warning: External Email – Watch for Email Red Flags!

Good morning Planning Commissioner,
 2022

March 16,

Re: Comments on the Old 215 Business Park

This project needs to be called the Old 395 Business Park.

In reading over this project's environmental reports/documents it is very evident the city has not followed the recommendations FOUND BELOW from the State Attorney General's (AG) office on warehouses "Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." Failure to do what they recommend as "best practices" which is found below makes the Old 215 Business Park IS/MND inadequate. This is especially true because much of our city is a state designated Disadvantage Community (SB 535) due in large part to existing pollution caused by warehousing operations. The project's full direct, indirect, cumulative and growth inducing impacts have not been addressed and I hope the Attorney General's letter will help you address these inadequacies to protect the Health, Safety and Welfare of Moreno Valley residents, warehouse workers and the environment prior to any vote.

Please scroll down and read "Examples of Best Practices" starting at IV which contain many mitigations measures that are not being required on this warehouse and yet many of them need to be demanded by you prior to your vote in order to Protect the Health, Safety and Welfare of Moreno Valley residents, warehouse workers and the environment.

XAVIER BECERRA State of California
Attorney General DEPARTMENT OF JUSTICE

Attachment: Public Comment Letter (5742 : Master Plot Plan (including Building A) and five Plot Plans (Buildings B through F) for six

Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

In carrying out its duty to enforce laws across California, the California Attorney General’s Bureau of Environmental Justice (Bureau)¹ regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies, and in rare cases the Bureau has filed litigation to enforce CEQA.² This document builds upon the Bureau’s comment letters, collecting knowledge gained from the Bureau’s review of hundreds of warehouse projects across the state. It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.³ While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, the overwhelming majority of which have been adapted from actual warehouse projects in California.

1 <https://oag.ca.gov/environment/justice>.

2 <https://oag.ca.gov/environment/ceqa/letters>; *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

3 Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

4 As used in this document, “warehouse” or “logistics facility” is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short or long term basis for later distribution to businesses and/or retail customers.

5 Industrial Warehousing in the SCAG Region, Task 2. Inventory of Warehousing Facilities (April 2018),

http://www.scag.ca.gov/Documents/Task2_FacilityInventory.pdf at 1-1, 2-11.

6 Los Angeles Times, *When your house is surrounded by massive warehouses*, October 27, 2019, <https://www.latimes.com/california/story/2019-10-27/fontana-california-warehouses-inland-empire-pollution>.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.⁴ California, with its ports, population centers, and transportation network, has found itself at the center of this trend. For example, in 2014, 40 percent of national container cargo flowed through Southern California, which was home to nearly 1.2 billion square feet of warehouse facilities.⁵ In the Inland Empire alone, 150 million square feet of new industrial space was built over the last decade,⁶ and 21 of the largest 100 logistics leases signed in 2019 nationwide were in the Inland Empire, comprising 17.5 million square feet.⁷ This trend has not slowed, even with the economic downturn caused by COVID-19, as e-commerce has continued to grow.⁸ Forecasts predict that the Central Valley is where a new wave of warehouse

development will go.⁹

7 CBRE, *Dealmakers: E-Commerce & Logistics Firms Drive Demand for Large Warehouses in 2019* (January 23, 2020), <https://www.cbre.us/research-and-reports/US-MarketFlash-Dealmakers-E-Commerce-Logistics-Firms-Drive-Demand-for-Large-Warehouses-in-2019>; see also CBRE, *E-Commerce and Logistics Companies Expand Share Of Largest US Warehouse Leases*, *CBRE Analysis Finds* (Feb. 25, 2019),

<https://www.cbre.us/about/media-center/inland-empire-largest-us-warehouse-leases> (20 of the largest 100 warehousing leases in 2018 were in the Inland Empire, comprising nearly 20 million square feet).

8 CBRE, 2021 U.S. Real Estate Market Outlook, Industrial & Logistics, <https://www.cbre.us/research-and-reports/2021-US-Real-Estate-Market-Outlook-Industrial-Logistics>; Kaleigh Moore, *As Online Sales Grow During COVID-19, Retailers Like Montce Swim Adapt And Find Success*, *FORBES* (June 24, 2020), available at <https://www.forbes.com/sites/kaleighmoore/2020/06/24/as-online-sales-grow-during-covid-19-retailers-like-montce-swim-adapt-and-find-success/>.

9 *New York Times*, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), available at <https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html>.

10 California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

11 Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particulate matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹⁰ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.¹¹ The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic

accidents. These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts.

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically address warehouse development, we encourage governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and guide sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take any number of forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors can help avoid conflicts between warehouse facilities and residential communities.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.¹²

¹² For more information about SB 1000, *see*

<https://oag.ca.gov/environment/sb1000>.

¹³ <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf> (Riverside County);

<https://riversideca.gov/planning/pdf/good-neighbor-guidelines.pdf> (City of

Riverside); [http://qcode.us/codes/morenovalley/view.php?topic=9-9_05-](http://qcode.us/codes/morenovalley/view.php?topic=9-9_05-9_05_050&frames=on)

[9_05_050&frames=on](http://qcode.us/codes/morenovalley/view.php?topic=9-9_05-9_05_050&frames=on) (City of Moreno Valley);

<http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId=> (Western Riverside Council of Governments).

The Bureau is aware of four good neighbor policies in California: Riverside County, the City of Riverside, the City of Moreno Valley, and the Western Riverside Council of Governments.¹³ These policies provide minimum standards

that all warehouses in the jurisdiction must meet. For example, the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors, and it requires a number of design features to reduce truck impacts on nearby sensitive receptors. The Riverside County policy requires vehicles entering sites during both construction and operation to meet certain California Air Resources Board (CARB) guidelines, and it requires community benefits agreements and supplemental funding contributions toward additional pollution offsets.

The Bureau encourages jurisdictions to adopt their own local ordinances and/or good neighbor policies that combine the most robust policies from those models with measures discussed in the remainder of this document.

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial.

Examples of best practices for community engagement include:

Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.

Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The information should be in a format that is easy to navigate and understand for members of the affected community.

Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.

Providing translation or interpretation in residents' native language, where appropriate.

For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.

Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.

Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the community.

Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.

Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community relations officer to the surrounding community.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near other sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA.

Examples of best practices when siting and designing warehouse facilities include:

Per CARB guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.¹⁴

Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks.

Providing adequate areas for on-site parking, on-site queuing, and truck check-in that prevent trucks and other vehicles from parking or idling on public streets.

Placing facility entry and exit points from the public street away from sensitive receptors, e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.

Locating warehouse dock doors and other onsite areas with significant truck traffic and noise away from sensitive receptors, e.g., placing these dock doors on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.

Screening dock doors and onsite areas with significant truck traffic with physical,

structural, and/or vegetative barriers that adequately prevent or substantially reduce pollutant dispersal from the facility towards sensitive receptors.

Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.

Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

14 California Air Resources Board (CARB), Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted under varying scenarios; this document may be found on CARB's website and is entitled: "California Sustainable Freight Initiative: Concept Paper for the Freight Handbook" (December 2019).

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as regulations tighten and demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation. CEQA Guidelines § 15369.

When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the

applicable significance thresholds.

Preparing a quantitative air quality study in accordance with local air district guidelines.

Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.

Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is a baseline expectation.

Fully analyzing impacts from truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin. Emissions beyond the air basin are not speculative, and, because air pollution is not static, may contribute to air basin pollution. Moreover, any contributions to air pollution outside the local air basin should be quantified and their significance should be considered.

Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California's Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

Requiring off-road construction equipment to be zero-emission, where available, and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.

Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.

Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.

Limiting the amount of daily grading disturbance area.

Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.

Forbidding idling of heavy equipment for more than two minutes.

Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.

Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.

Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.

Providing information on transit and ridesharing programs and services to construction employees.

Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.

Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.

Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.

Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.

Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.

Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.

Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.

Constructing electric truck charging stations proportional to the number of dock doors at the project.

Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.

Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.

Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.

Requiring all stand-by emergency generators to be powered by a non-diesel fuel.

Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.

Achieving certification of compliance with LEED green building standards.

Providing meal options onsite or shuttles between the facility and nearby meal destinations.

Posting signs at every truck exit driveway providing directional information to the truck route.

Improving and maintaining vegetation and tree canopy for residents in and around the project area.

Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.

Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants to use carriers that are SmartWay carriers.

Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.

Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

Examples of measures to mitigate noise impacts include:

Constructing physical, structural, or vegetative noise barriers on and/or off the project site.

Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.

Verifying that construction equipment has properly operating and maintained mufflers.

Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier

Limiting operation hours to daytime hours on weekdays.

Paving roads where truck traffic is anticipated with low noise asphalt.

Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.

Installing signs in residential areas noting that truck and employee parking is prohibited.

Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.

Consulting with the local public transit agency and securing increased public

transit service to the project area.

Designating areas for employee pickup and drop-off.

Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.

Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.

Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.

Constructing roadway improvements to improve traffic flow.

Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA.

Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.

Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.

Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.

Directing all lighting at the facility into the interior of the site.

Using full cut-off light shields and/or anti-glare lighting.

Using cool pavement to reduce heat island effects.

Installing climate control in the warehouse facility to promote worker well-being.

Installing air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

The Attorney General (AG) letter found above and also attached should have been the city's guiding document and clearly it wasn't. They had time to do what's right by the people who live in Moreno Valley and also by you as Planning Commissioners prior to your public meeting. I hope the staff report which will have come out after both my comment letter on the IS/MND and this letter to you will better reflect the AG's letter on Best Practices on Warehouses to jurisdictions like Moreno Valley.

Beginning with "IV. Warehouse Siting and Design Considerations" continue reading and you will see many "BEST PRACTICE" mitigation measures that are lacking for this project. You are suppose to use your vote to protect the Health, Safety and Welfare of Moreno Valley residents, warehouse workers as well as the environment. The AG's letter gives you the tools to help you fulfill your responsibility. Please use it and demand changes prior to your vote.

Thank You and stay safe,

George Hague

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)¹ regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies, and in rare cases the Bureau has filed litigation to enforce CEQA.² This document builds upon the Bureau's comment letters, collecting knowledge gained from the Bureau's review of hundreds of warehouse projects across the state. It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.³ While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, the overwhelming majority of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.⁴ California, with its ports, population centers, and transportation network, has found itself at the center of this trend. For example, in 2014, 40 percent of national container cargo flowed through Southern California, which was home to nearly 1.2 billion square feet of warehouse facilities.⁵ In the Inland Empire alone, 150 million square feet of new industrial space was built over the last decade,⁶ and 21 of the largest 100 logistics leases signed in 2019 nationwide were in the Inland

¹ <https://oag.ca.gov/environment/justice>.

² <https://oag.ca.gov/environment/ceqa/letters>; *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

³ Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

⁴ As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short or long term basis for later distribution to businesses and/or retail customers.

⁵ Industrial Warehousing in the SCAG Region, Task 2. Inventory of Warehousing Facilities (April 2018), http://www.scag.ca.gov/Documents/Task2_FacilityInventory.pdf at 1-1, 2-11.

⁶ Los Angeles Times, *When your house is surrounded by massive warehouses*, October 27, 2019, <https://www.latimes.com/california/story/2019-10-27/fontana-california-warehouses-inland-empire-pollution>.

Empire, comprising 17.5 million square feet.⁷ This trend has not slowed, even with the economic downturn caused by COVID-19, as e-commerce has continued to grow.⁸ Forecasts predict that the Central Valley is where a new wave of warehouse development will go.⁹

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹⁰ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.¹¹ The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents. These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts.

⁷ CBRE, *Dealmakers: E-Commerce & Logistics Firms Drive Demand for Large Warehouses in 2019* (January 23, 2020), <https://www.cbre.us/research-and-reports/US-MarketFlash-Dealmakers-E-Commerce-Logistics-Firms-Drive-Demand-for-Large-Warehouses-in-2019>; see also CBRE, *E-Commerce and Logistics Companies Expand Share Of Largest US Warehouse Leases, CBRE Analysis Finds* (Feb. 25, 2019), <https://www.cbre.us/about/media-center/inland-empire-largest-us-warehouse-leases> (20 of the largest 100 warehousing leases in 2018 were in the Inland Empire, comprising nearly 20 million square feet).

⁸ CBRE, 2021 U.S. Real Estate Market Outlook, Industrial & Logistics, <https://www.cbre.us/research-and-reports/2021-US-Real-Estate-Market-Outlook-Industrial-Logistics>; Kaleigh Moore, *As Online Sales Grow During COVID-19, Retailers Like Montce Swim Adapt And Find Success*, FORBES (June 24, 2020), available at <https://www.forbes.com/sites/kaleighmoore/2020/06/24/as-online-sales-grow-during-covid-19-retailers-like-montce-swim-adapt-and-find-success/>.

⁹ New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), available at <https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html>.

¹⁰ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

¹¹ Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically address warehouse development, we encourage governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and guide sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take any number of forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors can help avoid conflicts between warehouse facilities and residential communities.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.¹²

The Bureau is aware of four good neighbor policies in California: Riverside County, the City of Riverside, the City of Moreno Valley, and the Western Riverside Council of Governments.¹³ These policies provide minimum standards that all warehouses in the jurisdiction must meet. For example, the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors, and it requires a number of design features to reduce truck impacts on nearby sensitive receptors. The Riverside County policy requires vehicles entering sites during both construction and operation to meet certain California Air Resources Board (CARB) guidelines, and it requires community benefits agreements and supplemental funding contributions toward additional pollution offsets.

The Bureau encourages jurisdictions to adopt their own local ordinances and/or good neighbor policies that combine the most robust policies from those models with measures discussed in the remainder of this document.

¹² For more information about SB 1000, see <https://oag.ca.gov/environment/sb1000>.

¹³ <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf> (Riverside County); <https://riversideca.gov/planning/pdf/good-neighbor-guidelines.pdf> (City of Riverside); http://qcode.us/codes/morenovalley/view.php?topic=9-9_05-9_05_050&frames=on (City of Moreno Valley); <http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId=> (Western Riverside Council of Governments).

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The information should be in a format that is easy to navigate and understand for members of the affected community.
- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community relations officer to the surrounding community.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near other sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local

communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per CARB guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.¹⁴
- Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks.
- Providing adequate areas for on-site parking, on-site queuing, and truck check-in that prevent trucks and other vehicles from parking or idling on public streets.
- Placing facility entry and exit points from the public street away from sensitive receptors, e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Locating warehouse dock doors and other onsite areas with significant truck traffic and noise away from sensitive receptors, e.g., placing these dock doors on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Screening dock doors and onsite areas with significant truck traffic with physical, structural, and/or vegetative barriers that adequately prevent or substantially reduce pollutant dispersal from the facility towards sensitive receptors.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers

¹⁴ California Air Resources Board (CARB), Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted under varying scenarios; this document may be found on CARB's website and is entitled: "California Sustainable Freight Initiative: Concept Paper for the Freight Handbook" (December 2019).

should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as regulations tighten and demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation. CEQA Guidelines § 15369.
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is a baseline expectation.
- Fully analyzing impacts from truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin. Emissions beyond the air basin are not speculative, and, because air pollution is not static, may contribute to air basin pollution. Moreover, any contributions to air pollution outside the local air basin should be quantified and their significance should be considered.
- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California's Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be zero-emission, where available, and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable

bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.
- Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than two minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all

dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Constructing electric truck charging stations proportional to the number of dock doors at the project.
- Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Achieving certification of compliance with LEED green building standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants to use carriers that are SmartWay carriers.

- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if

truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.

- Using full cut-off light shields and/or anti-glare lighting.
- Using cool pavement to reduce heat island effects.
- Installing climate control in the warehouse facility to promote worker well-being.
- Installing air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.