



AGENDA

**CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
MORENO VALLEY PUBLIC FINANCING AUTHORITY
BOARD OF LIBRARY TRUSTEES**

January 3, 2023

REGULAR MEETING – 6:00 PM

City Council Study Sessions

Second Tuesday of each month – 6:00 p.m.

City Council Meetings

Special Presentations – 5:30 P.M.

First & Third Tuesday of each month – 6:00 p.m.

City Council Closed Sessions

Will be scheduled as needed at 4:30 p.m.

City Hall Council Chamber – 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the ADA Coordinator, at 951.413.3350 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Ulises Cabrera, Mayor

Edward A. Delgado, Mayor Pro Tem

David Marquez, Council Member

Cheylynda Barnard, Council Member

Elena Baca-Santa Cruz, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
January 3, 2023

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS

**PROCLAMATION RECOGNIZING JANUARY 2023 AS NATIONAL MENTORING
MONTH**

**AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
MORENO VALLEY PUBLIC FINANCING AUTHORITY
AND THE BOARD OF LIBRARY TRUSTEES**

***THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD
MEETINGS***

**REGULAR MEETING – 6:00 PM
JANUARY 3, 2023**

CALL TO ORDER

Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item.

PLEDGE OF ALLEGIANCE

ROLL CALL

INTRODUCTIONS

**PUBLIC COMMENTS ON ANY SUBJECT ON OR NOT ON THE AGENDA UNDER
THE JURISDICTION OF THE CITY COUNCIL**

JOINT CONSENT CALENDARS (SECTIONS A-E)

All items listed under the Consent Calendars, Sections A, B, C, D, and E are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

- A.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

A.2. MINUTES - CITY COUNCIL - REGULAR MEETING - DEC 20, 2022 6:00 PM

Recommendation:

1. Approve as submitted.

A.3. SECOND READING AND ADOPTION OF ORDINANCE NO. 994, AMENDING VARIOUS SECTIONS WITHIN TITLE 9 PLANNING AND ZONING, INCLUDING CHAPTER 9.02 PERMITS AND APPROVALS, CHAPTER 9.09 SPECIFIC USE DEVELOPMENT STANDARDS, CHAPTER 9.13 SPECIFIC PLANS, CHAPTER 9.14 LAND DIVISIONS, AND CHAPTER 9.16 DESIGN GUIDELINES; AND ORDINANCE NO. 995 TITLE 3 REVENUE AND FINANCE CHAPTER 3.32 FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM; AND TITLE 8 BUILDINGS AND CONSTRUCTION, CHAPTER 8.12 (FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)). (Report of: Community Development)

Recommendation:

Conduct the second reading by title only and adopt Ordinance Nos. 994 and 995.

A.4. SECOND READING AND CONSIDERATION OF ADOPTION OF ORDINANCE 993 TO AMEND THE ZONING CLASSIFICATION OF THE 8.77-ACRE PROJECT SITE FROM RESIDENTIAL 5 (R5) DISTRICT TO RESIDENTIAL SINGLE-FAMILY 10 (RS10) DISTRICT FOR THE PROPERTY LOCATED ON THE NORTHEAST CORNER OF OLIVER STREET AND BRODIAEA AVENUE ASSESSOR PARCEL NUMBER 486-240-010 (Report of: Community Development)

Recommendation:

Conduct the second reading by title only and adopt Ordinance No. 993.

A.5. PEN19-0203 (TR 33607) – APPROVE TRACT MAP 33607 LOCATED ON PERRIS BOULEVARD, SOUTH OF CACTUS AVENUE AND NORTH OF DELPHINIUM AVENUE. DEVELOPER: AMERICAN PACIFIC INVESTMENTS, INC. (Report of: Public Works)

Recommendations:

1. Approve Tract Map 33607.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

- A.6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, EXTENDING THE ESTABLISHED SERVICE AUTHORITY FEE COLLECTION FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM (Report of: Community Development)

Recommendation:

1. Adopt Resolution No. 2023-xx, a Resolution of the City Council of the City of Moreno Valley, California, extending the established Service Authority fee collection for the Abandoned Vehicle Abatement program through May 31, 2034.

- A.7. APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT DESIGN SERVICES WITH ALBERT A. WEBB ASSOCIATES FOR THE SUNNYMEAD MDP LINE B-16A, STAGE 2, PROJECT NO. 804 0015 (Report of: Public Works)

Recommendations:

1. Approve the First Amendment to Agreement for Professional Consultant Services to Albert A. Webb Associates to provide preliminary engineering, design, and construction support for the Sunnymead Master Drainage Plan (MDP) Line B-16A, Stage 2 project, funded by Riverside County Flood Control & Water Conservation District (RCFC&WCD);
2. Authorize the City Manager to execute the First Amendment to Agreement for Professional Consultant Services with Albert A. Webb Associates, subject to the approval of the City Attorney;
3. Authorize an amendment to the existing Purchase Order with Albert A. Webb Associates in the amount of up to but not to exceed \$219,910.00 (\$159,916.00 original agreement plus \$59,994.00 for First Amendment to Agreement) once the Agreement has been signed by all parties;
4. Authorize an amendment to the Agreement termination date, extending the termination date from June 30, 2023 to December 30, 2024; and
5. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with Albert A. Webb Associates, subject to the approval by the City Attorney.

- A.8. PEN21-0206 (TR 37725) – APPROVE TRACT MAP 37725 LOCATED AT THE SOUTHWEST CORNER OF KRAMERIA AVENUE AND PERRIS BOULEVARD. DEVELOPER: FPG SUN MORENO VALLEY 66, LLC (Report of: Public Works)

Recommendations:

1. Approve Tract Map 37725.
 2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.
- A.9. 2023 CITY COUNCIL COMMISSION, BOARD, AND INTER-AGENCY APPOINTMENTS (Report of: City Clerk)

Recommendation:

1. Ratify the appointments to the various committees and regional bodies as noted on the 2023 Council Committee Participation List - terms end December 31, 2023.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

- B.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- B.2. MINUTES - CITY COUNCIL - REGULAR MEETING - DECEMBER 20, 2023.

Recommendation:

1. Approve as submitted.

- B.3. AUTHORIZE FISCAL YEAR 2023-24 CONTINUED FUNDING APPLICATION FOR CHILDCARE DEVELOPMENT PROGRAM FUNDS FROM THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES AND ACCEPT FUNDING TO OPERATE CHILDCARE SERVICES FOR FISCAL YEAR 2023-24 AND ADOPT A RESOLUTION TO CERTIFY APPROVAL OF THE GOVERNING BOARD (Report of: Parks & Community Services)

Recommendations: That the City Council and CSD:

1. Authorize the submission of a Continued Funding Application (CFA) for Childcare Development Program Funds from the California Department of Social Services (CDSS) for fiscal year 2023-24; and
2. Upon approval of the CFA, authorize acceptance of Childcare Development Program funds in the approved amount and any subsequent amendments for Fiscal Year (FY) 2023-24 from the CDSS for the purpose of providing school-age childcare and development services and authorize the Chief Financial Officer (CFO) to make minor modifications to the budget, based on the final contract amount (which could be more or less than estimated); and

3. Adopt Resolution No. CSD 2023-____. A resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, certifying approval of the governing board to enter into this transaction with the California Department of Social Services for providing childcare and development services and to authorize designated personnel to sign contract documents for FY 2023-24.

C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- C.2. MINUTES - CITY COUNCIL - REGULAR MEETING - DECEMBER 20, 2023.

Recommendation:

1. Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- D.2. MINUTES - CITY COUNCIL - REGULAR MEETING - DECEMBER 20, 2023.

Recommendation:

1. Approve as submitted.

E. CONSENT CALENDAR - PUBLIC FINANCING AUTHORITY

- E.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- E.2. MINUTES - CITY COUNCIL - REGULAR MEETING - DECEMBER 20, 2023.

Recommendation:

1. Approve as submitted.

F. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration.

Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Sergeant-at-Arms.

F.1. APPEAL OF PLANNING COMMISSION DENIAL OF GENERAL PLAN AMENDMENT, CHANGE OF ZONE, CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT, AND A TENTATIVE TRACT MAP 37858 TO SUBDIVIDE A 4.81-ACRE PROJECT SITE IN TO 37 SINGLE-FAMILY LOTS (Report of: Community Development)

That the City Council consider the Appeal filed by RC Hobbs Company, (the "Appellant") appealing the Planning Commission's denial of the Appellant's application for a General Plan Amendment (GPA), Change of Zone, Conditional Use Permit, and Tentative Tract Map to facilitate a 37-lot single-family residential Planned Unit Development (PUD), located North of Cactus Avenue, East of Moreno Beach Drive, and take any action the City Council deems appropriate.

Recommendations: That the City Council:

1. **ADOPT** Resolution No. 2022-XX, attached hereto, **DENYING** Appeal PAA22-0004.

OR

1. **ADOPT** Resolution No. 2022-XX, attached hereto:
 1. **ADOPTING** the Initial Study/Mitigated Negative Declaration prepared for General Plan Amendment (PEN20-0174), Change of Zone (PEN20-0175); Tentative Tract Map 37858 (PEN20-0172), and Conditional Use Permit (PEN20-0173) for a Planned Unit Development, on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission and City reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts; and
 2. **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of a Conditional Use Permit (PEN20-0173) for a Planned Unit Development and Tentative Tract Map 37858 (PEN20-0172) pursuant to CEQA and the CEQA Guidelines.

2. **ADOPT** Resolution No. 2022-XX, attached hereto, **APPROVING** Appeal PAA22-0004:
 1. **APPROVING** General Plan Amendment (PEN20-0174) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-XX and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment.
 2. **APPROVING** Conditional Use Permit (PEN20-0173) and Tentative Tract Map (PEN20-0172) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-XX.
 3. **INTRODUCE** Ordinance No. [next in order] approving Change of Zone (PEN20-0175) and corresponding amendment to the City's Zoning Atlas and the conditions of approval, based on the Recitals, Evidence and Findings contained in the Administrative Record of the proceedings.

G. GENERAL BUSINESS - NONE

H. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

I. REPORTS

I.1. CITY COUNCIL REPORTS

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC)

Riverside County Habitat Conservation Agency (RCHCA)

Riverside County Transportation Commission (RCTC)

Riverside Transit Agency (RTA)

Western Riverside Council of Governments (WRCOG)

Western Riverside County Regional Conservation Authority (RCA)

School District/City Joint Task Force

I.2. EMPLOYEE ASSOCIATION REPORTS

I.3. CITY MANAGER'S REPORT

(Informational Oral Presentation - not for Council action)

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PUBLIC FINANCING AUTHORITY, AND THE BOARD OF LIBRARY TRUSTEES.

ADJOURNMENT

PUBLIC INSPECTION

The contents of the agenda packet are available for public inspection on the City's website at www.moval.org and in the City Clerk's office at 14177 Frederick Street during normal business hours.

Any written information related to an open session agenda item that is known by the City to have been distributed to all or a majority of the City Council less than 72 hours prior to this meeting will be made available for public inspection on the City's website at www.moval.org and in the City Clerk's office at 14177 Frederick Street during normal business hours.

CERTIFICATION

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, certify that 72 hours prior to this Regular Meeting, the City Council Agenda was posted on the City's website at: www.moval.org and in the following three public places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center
25075 Fir Avenue

Jane Halstead, CMC
City Clerk

Date Posted: December 29, 2023

TO:

FROM: Jane Halstead, CMC, City Clerk

AGENDA DATE: January 3, 2023

TITLE: PROCLAMATION RECOGNIZING JANUARY 2023 AS
NATIONAL MENTORING MONTH

RECOMMENDED ACTION

CITY COUNCIL GOALS

None

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

ATTACHMENTS

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

None

APPROVALS

**MINUTES
CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY
December 20, 2022**

CALL TO ORDER - 5:30 PM

SPECIAL PRESENTATIONS - NONE

Minutes Acceptance: Minutes of Dec 20, 2022 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

**MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
MORENO VALLEY PUBLIC FINANCING AUTHORITY
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:00 PM
December 20, 2022**

CALL TO ORDER

The Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority, Moreno Valley Public Financing Authority and the Board of Library Trustees was called to order at 6:00 p.m. by Mayor Cabrera in the Council Chamber located at 14177 Frederick Street.

Mayor Cabrera announced that the City Council receives a separate stipend for CSD meetings.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Delgado.

INVOCATION

The invocation was led by Dr. Cooper Hagans III, from Unity of the Faith Christian Outreach Ministries.

ROLL CALL

Council:	Ulises Cabrera	Mayor
	Edward A. Delgado	Mayor Pro Tem
	Elena Baca-Santa Cruz	Council Member
	David Marquez	Council Member
	Cheylynda Barnard	Council Member

Minutes Acceptance: Minutes of Dec 20, 2022 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

Roll Call

INTRODUCTIONS

<p>Staff: Jane Halstead Paul Bradvica Steven Quintanilla Mike Lee Brian Mohan Michael Lloyd Manuel Mancha Melissa Walker Jeremy Bubnick Ken Reichle Jesse Park</p>	<p>Manager of the Office of the Mayor and City Council/City Clerk Deputy City Clerk Interim City Attorney City Manager Assistant City Manager, Chief Financial Officer, City Treasurer Assistant City Manager Community Development Director Acting Public Works Director/City Engineer Parks and Community Services Director Chief of Police Fire Chief</p>
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PUBLIC COMMENTS ON ANY SUBJECT ON OR NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Greg Kuster

- 1. Congratulated elected officials.

Bob Palomarez

- 1. Developments in City.

Debra Craig

- 1. Congratulated elected officials.
- 2. Proposed suggestions.

Daryl Terrell

- 1. Promoted community.

Tom Jerele

- 1. Community Development.

Christopher Baca

- 1. Edgemont Community Development.

Louise Palomarez

Minutes Acceptance: Minutes of Dec 20, 2022 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

1. Edgemont Community Development.

Roy Bleckert

1. Critical of Council.

*Public Hearing F.1 was moved to before the Consent Calendar.

JOINT CONSENT CALENDARS (SECTIONS A-E)

All items listed under the Consent Calendars, Sections A, B, C, D, and E are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ed Delgado, Mayor Pro Tem
SECONDER:	David Marquez, Council Member
AYES:	Cabrera, Delgado, Marquez, Barnard, Baca-Santa Cruz

A. CONSENT CALENDAR-CITY COUNCIL

- A.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- A.2. City Council - Regular Meeting - Dec 6, 2022 6:00 PM (Item moved to Section H for separate action)
- A.3. City Council - Closed Session - Dec 6, 2022 4:30 PM (Item moved to Section H for separate action)
- A.4. SPECIAL EVENTS CALENDAR 2023 (Report of: Parks & Community Services)

Recommendation:

Receive and file the Special Events Calendar 2023.

- A.5. LIST OF PERSONNEL CHANGES (Report of: Financial & Management Services)

Recommendation:

1. Ratify the list of personnel changes as described.

- A.6. APPROVAL OF FIRST AMENDMENTS TO AGREEMENTS WITH ADVANCED APPLIED ENGINEERING, INC., DBA INFRASTRUCTURE ENGINEERS, AND 4LEAF, INC., FOR PLANNING CONSULTANT SERVICES ON AN AS NEEDED BASIS (AGMTS NO. 2022-30-01 AND 2022-31-01) (Report of: Community Development)

Recommendations:

1. Approve the First Amendment to Agreement for Planning Consultant Services on an As Needed Basis with Advanced Applied Engineering, Inc., DBA Infrastructure Engineers, and authorize the City Manager, or his designee, to execute the Amendment, and any subsequent amendments, subject to the approval of the City Attorney and available budget as previously approved by Council; and
2. Authorize an increase of \$150,000.00 to the amount of the Agreement with Advanced Applied Engineering, Inc., DBA Infrastructure Engineers, to \$200,000.00, funded by fees paid by project applicants. Authorize the Purchasing Division Manager to approve a change order to increase Purchase Order #2023-505 to Advanced Applied Engineering, Inc., DBA Infrastructure Engineers; and
3. Approve the First Amendment to Agreement for Planning Consultant Services on an As Needed Basis with 4Leaf, Inc., and authorize the City Manager, or his designee, to execute the Amendment, and any subsequent amendments, subject to the approval of the City Attorney and available budget as previously approved by Council; and
4. Authorize an increase of \$150,000.00 to the amount of the Agreement with 4Leaf, Inc., to \$200,000.00, funded by fees paid by project applicants. Authorize the Purchasing Division Manager to approve a change order to increase Purchase Order #2023-504 to 4Leaf, Inc.; and
5. Authorize the Chief Financial Officer, or his designee, to make the appropriate budget adjustments as set forth in the Fiscal Impact section of this report.

- A.7. AUTHORIZE THE FIRST AMENDMENT TO THE AGREEMENT WITH M. BREY ELECTRIC, INC. FOR GENERAL CONTRACTOR SERVICES AT CITY FACILITIES, TRAILS, AND PARKS. (Report of: Public Works)

Recommendations:

1. Approve the First Amendment to the Agreement for General Contractor Services with M. Brey Electric, Inc., to increase the contract value funded through Facilities Maintenance (Fund 7310), General Fund (Fund 1010), and PCS Capital Project Fund (Fund 3015), which will increase responsiveness to on-call needs throughout the contract term.
2. Authorize the City Manager, or his designee, to execute the First Amendment to the Agreement for General Contractor Services with M. Brey Electric, Inc., to increase the contract amount by \$2,000,000 for a total not-to-exceed amount of the five-year Agreement of \$3,760,000.
3. Authorize the City Manager, or his designee, to execute the First Amendment to the Agreement, any subsequent future amendments, and Purchase Orders subject to the approval of the City Attorney, in accordance with approved terms of the agreement and within available budget previously approved by Council.

A.8. PAYMENT REGISTER - OCTOBER 2022 (Report of: Financial & Management Services)

Recommendation:

1. Receive and file the Payment Register.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

B.2. MINUTES - CITY COUNCIL - REGULAR MEETING - DECEMBER 6, 2022. (Item moved to Section H for separate action)

Recommendation:

1. Approve as submitted.

B.3. MINUTES - CITY COUNCIL - CLOSED SESSION - DECEMBER 6, 2022. (Item moved to Section H for separate action)

Recommendation:

1. Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

- C.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- C.2. MINUTES - CITY COUNCIL - REGULAR MEETING - DECEMBER 6, 2022.
(Item moved to Section H for separate action)

Recommendation:

1. Approve as submitted.

- C.3. MINUTES - CITY COUNCIL - CLOSED SESSION - DECEMBER 6, 2022.
(Item moved to Section H for separate action)

Recommendation:

1. Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

- D.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- D.2. MINUTES - CITY COUNCIL - REGULAR MEETING - DECEMBER 6, 2022.
(Item moved to Section H for separate action)

Recommendation:

1. Approve as submitted.

- D.3. MINUTES - CITY COUNCIL - CLOSED SESSION - DECEMBER 6, 2022.
(Item moved to Section H for separate action)

Recommendation:

1. Approve as submitted.

E. CONSENT CALENDAR - PUBLIC FINANCING AUTHORITY

- E.1. ORDINANCES - READING BY TITLE ONLY - THE MOTION TO ADOPT AN ORDINANCE LISTED ON THE CONSENT CALENDAR INCLUDES WAIVER OF FULL READING OF THE ORDINANCE.

Recommendation: Waive reading of all Ordinances.

- E.2. MINUTES - CITY COUNCIL - REGULAR MEETING - DECEMBER 6, 2022.
(Item moved to Section H for separate action)

Recommendation:

1. Approve as submitted.

- E.3. MINUTES - CITY COUNCIL - REGULAR MEETING - DECEMBER 6, 2022.
(Item moved to Section H for separate action)

Recommendation:

1. Approve as submitted.

F. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration.

Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Sergeant-at-Arms.

*Public Hearing F.1 was moved to before the Consent Calendar

- F.1. APPEAL OF PLANNING COMMISSION DENIAL OF GENERAL PLAN AMENDMENT, CHANGE OF ZONE, CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT, AND A TENTATIVE TRACT MAP 37858 TO SUBDIVIDE A 4.81-ACRE PROJECT SITE IN TO 37 SINGLE-FAMILY LOTS (Report of: Community Development)

That the City Council consider the Appeal filed by RC Hobbs Company, (the "Appellant") appealing the Planning Commission's denial of the Appellant's application for a General Plan Amendment (GPA), Change of Zone, Conditional Use Permit, and Tentative Tract Map to facilitate a 37-lot single-family residential Planned Unit Development (PUD), located North of Cactus Avenue, East of Moreno Beach Drive, and take any action the City Council deems appropriate.

Recommendations: That the City Council:

1. **ADOPT** Resolution No. 2022-XX, attached hereto, **DENYING** Appeal PAA22-0004.

OR

1. **ADOPT** Resolution No. 2022-XX, attached hereto:
 1. **ADOPTING** the Initial Study/Mitigated Negative Declaration prepared for General Plan Amendment (PEN20-0174), Change of Zone (PEN20-0175); Tentative Tract Map 37858 (PEN20-0172), and Conditional Use Permit (PEN20-0173) for a Planned Unit Development, on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission and City reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts; and
 2. **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of a Conditional Use Permit (PEN20-0173) for a Planned Unit Development and Tentative Tract Map 37858 (PEN20-0172) pursuant to CEQA and the CEQA Guidelines.
2. **ADOPT** Resolution No. 2022-XX, attached hereto, **APPROVING** Appeal PAA22-0004:
 1. **APPROVING** General Plan Amendment (PEN20-0174) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-XX and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment.
 2. **APPROVING** Conditional Use Permit (PEN20-0173) and Tentative Tract Map (PEN20-0172) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-XX.
3. **INTRODUCE** Ordinance No. [next in order] approving Change of Zone (PEN20-0175) and corresponding amendment to the City's Zoning Atlas and the conditions of approval, based on the Recitals, Evidence and Findings contained in the Administrative Record of the proceedings.

Mayor Cabrera opens the floor for a motion to move Item F.1 to before the Consent Calendar.

Motion was moved by Council Member Marquez and seconded by Mayor Pro Tem Delgado.

Motion passed by a vote of 5-0, Council Member Baca-Santa Cruz, Council Member Marquez, Council Member Barnard, Mayor Pro Tem Delgado, and Mayor Cabrera.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Marquez, Council Member
SECONDER: Ed Delgado, Mayor Pro Tem
AYES: Cabrera, Delgado, Marquez, Barnard, Baca-Santa Cruz

Mayor Cabrera opens the floor for a motion to continue this item to the January 3rd, 2023 meeting.

Motion was moved by Council Member Baca-Santa Cruz and seconded by Council Member Marquez.

Motion passed by a vote of 5-0, Council Member Baca-Santa Cruz, Council Member Marquez, Council Member Barnard, Mayor Pro Tem Delgado, and Mayor Cabrera.

RESULT: CONTINUED [UNANIMOUS] Next: 1/3/2023 6:00 PM
MOVER: Elena Baca-Santa Cruz, Council Member
SECONDER: David Marquez, Council Member
AYES: Cabrera, Delgado, Marquez, Barnard, Baca-Santa Cruz

F.2. GENERAL PLAN AMENDMENT, CHANGE OF ZONE, CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT, AND A TENTATIVE TRACT MAP 38237 TO SUBDIVIDE AN 8.77-ACRE PROJECT SITE IN TO 67 SINGLE-FAMILY LOTS (Report of: Community Development)

Recommendations: That the City Council:

1. **ADOPT** Resolution No. 2022-83, attached hereto:
 - 1) **ADOPTING** the Initial Study/Mitigated Negative Declaration prepared for General Plan Amendment (PEN21-0203), Change of Zone (PEN21-0204), Conditional Use Permit (PEN22-0162), and Tentative Tract Map 38237 (PEN21-0199) on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission and

Minutes Acceptance: Minutes of Dec 20, 2022 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

City reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts; and

- 2) **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of a General Plan Amendment (PEN21-0203), Change of Zone (PEN21-0204), Conditional Use Permit (PEN20-0173) for a Planned Unit Development and Tentative Tract Map 37858 (PEN20-0172) pursuant to CEQA and the CEQA Guidelines.

2. **ADOPT** Resolution No. 2022-84, attached hereto:

1. **APPROVING** General Plan Amendment (PEN21-0203) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-84 and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment.
2. **APPROVING** Conditional Use Permit (PEN22-0162), and Tentative Tract Map 38237 (PEN21-0199) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-84.
3. **INTRODUCE** Ordinance No. 993 approving Change of Zone (PEN21-0204) and corresponding amendment to the City's Zoning Atlas and the conditions of approval, based on the Recitals, Evidence and Findings contained in the Administrative Record of the proceedings. Planning Official Sean Kelleher gave the staff report.

Planning Official Sean Kelleher gave the staff report.

Mayor Cabrera opens the hearing.

Megan Wilden with DR Horton gave a presentation.

Mayor Cabrera opens the floor for Council questions for the applicant.

Council Member Marquez ask questions of the applicant.

Public testimony was given.

Louise Palomarez

1. Support Project.

Tom Jerele

- 1. Support Project.

Mayor Cabrera closes the hearing.

Mayor Cabrera opens the floor for Council deliberation.

Mayor Pro Tem Delgado comments on the project.

Council Member Baca-Santa Cruz comments on the project.

Motion made by Council Member Marquez and seconded by Mayor Pro Tem Delgado.

Motion passed by a vote of 5-0, Council Member Baca-Santa Cruz, Council Member Barnard, Council Member Marquez, Mayor Pro Tem Delgado, and Mayor Cabrera.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Marquez, Council Member
SECONDER:	Ed Delgado, Mayor Pro Tem
AYES:	Cabrera, Delgado, Marquez, Barnard, Baca-Santa Cruz

F.3. MUNICIPAL CODE AMENDMENTS AMENDING VARIOUS SECTIONS WITHIN TITLE 9 PLANNING AND ZONING, INCLUDING CHAPTER 9.02 PERMITS AND APPROVALS, CHAPTER 9.09 SPECIFIC USE DEVELOPMENT STANDARDS, CHAPTER 9.13 SPECIFIC PLANS, CHAPTER 9.14 LAND DIVISIONS, AND CHAPTER 9.16 DESIGN GUIDELINES; TITLE 3 REVENUE AND FINANCE CHAPTER 3.32 FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM; AND TITLE 8 BUILDINGS AND CONSTRUCTION, CHAPTER 8.12 (FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)). (Report of: Community Development)

Minutes Acceptance: Minutes of Dec 20, 2022 6:00 PM (CONSENT CALENDAR-CITY COUNCIL)

Recommendations:

1. Introduce and conduct the first reading of Ordinance No. 994 amending Tables 9.02.020-1 and Sections 9.02.040, 9.02.150, 9.07.010(B), 9.08.070, 9.09.080, 9.11.040, 9.14.065, and 9.14.090 of Title 9 of the City of Moreno Valley Municipal Code to provide updates that comply with State requirements related to compliance with new State Law and Housing and Community Development (HCD) requirements, streamline Code requirements to provide flexibility and clarity regarding existing requirements, and to streamline certain processes, and provide for other minor clarifications and clean-up items; and,
2. Introduce and conduct the first reading of Ordinance No. 995 deleting Section 3.32.050 (Statutory Public Meeting) of Title 3 (Revenue and Finance), and amending Section 8.12.170 (Standards of Construction) of Title 8 (Building and Construction) to provide updates that comply with State requirements; and
3. Schedule the second reading and adoption of Ordinance Nos. 994, and 995 for the next regular Council meeting.

Planning Official Sean Kelleher gave the staff report.

Mayor Cabrera opens the hearing.

Public testimony was opened; there were no public testimony on this item.

Motion made by Council Member Marquez and seconded by Mayor Pro Tem Delgado.

Motion passed by a vote of 5-0, Council Member Baca-Santa Cruz, Council Member Barnard, Council Member Marquez, Mayor Pro Tem Delgado, and Mayor Cabrera.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Marquez, Council Member
SECONDER:	Ed Delgado, Mayor Pro Tem
AYES:	Cabrera, Delgado, Marquez, Barnard, Baca-Santa Cruz

G. GENERAL BUSINESS**G.1. CENSURE RESOLUTION (Report of: City Attorney)****Recommendation:**

1. That the City Council take whatever action it deems necessary under the circumstances.

Interim City Attorney Steve Quintanilla gave the staff report.

Public testimony was given.

Louise Palomarez

1. Support censure.

Bob Palomarez

1. Support censure.

David Lara-Tellez

1. Support censure.

Christopher Baca

1. Support censure.

Roy Bleckert

1. Support censure.

Tom Jerele Sr.

1. Support censure.

Mayor Cabrera opened the floor for Council deliberation.

Mayor Cabrera commented on the censure and events that occurred in the past year.

Mayor Pro Tem Delgado stated support for the censure.

Council Member Marquez commented about the censure and the events that occurred in the past year.

Council Member Baca-Santa Cruz stated support for the censure.

Council Member Barnard stated support for the censure.

Motion made by Council Member Baca-Santa Cruz and seconded by Mayor Pro Tem Delgado.

Motion passed by a vote of 4-1, with Council Member Baca-Santa Cruz, Council Member Marquez, Council Member Barnard, and Mayor Pro Tem Delgado voting yes, and Mayor Cabrera voting no.

RESULT:	APPROVED [4 TO 1]
MOVER:	Elena Baca-Santa Cruz, Council Member
SECONDER:	Ed Delgado, Mayor Pro Tem
AYES:	Ed Delgado, David Marquez, Cheylynda Barnard, Elena Baca-Santa Cruz
NAYS:	Ulises Cabrera

G.2. CITY COUNCIL REORGANIZATION - SELECTION OF MAYOR PRO TEM
(Report of: City Clerk)

Nomination for Mayor Pro Tem Delgado.

Recommendation:

1. Conduct the reorganization of the City Council by selecting one Council Member to serve a one-year term as Mayor Pro Tem.

City Clerk Jane Halstead gave the staff report.

Public Testimony was given.

Louise Palomarez

1. Hopeful remarks.

Tom Jerele Sr.

1. Supports Mayor Pro Tem Delgado.

Roy Bleckert

1. Supports Council Member Baca-Santa Cruz.

Mayor Cabrera commended Mayor Pro Tem Delgado for his year of service.

Mayor Pro Tem Delgado shared he would like to continue his role.

Council Member Marguez shared his support for Mayor Pro Tem Delgado.

The City Clerk Jane Halstead opened the nominations for Mayor Pro Tem.

Mayor Cabrera nominated Council Member Delgado for Mayor Pro Tem.

City Clerk Jane Halstead asked for any other nominations and there were none, therefore, nominations were closed.

Roll Call for Motion to appoint Council Member Ed Delgado for Mayor Pro Tem.

Passed by a vote of 5-0, Council Member Baca Santa Cruz, Council Member Delgado, Council Member Barnard, Council Member Marquez, and Mayor Cabrera.

Council Member Ed Delgado was appointed as Mayor Pro Tem by a 5-0 vote.

RESULT: APPROVED [UNANIMOUS]
AYES: Cabrera, Delgado, Marquez, Barnard, Baca-Santa Cruz

H. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

Items A.2, A.3, B.2, B.3, C.2, C.3, D.2, D.3, E.2, E.3, were moved from Consent to section H for separate vote.

Items were approved with the following vote:

RESULT: APPROVED
MOVER: David Marquez, Council Member
SECONDER: Ed Delgado, Mayor Pro Tem
AYES: Cabrera, Delgado, Marquez, Baca-Santa Cruz
ABSTAIN: Cheylynda Barnard, Council Member

I.REPORTS

I.1.CITY COUNCIL REPORTS

(Informational Oral Presentation - not for Council action)

March Joint Powers Commission (JPC)

Mayor Pro Tem Delgado reported the following:

The Commission approved two industrial buildings of 120 and 168 thousand square feet at the southeast corner of Van Buren and Barton.

The Commission also heard the executive director's annual report on March JPA's accomplishments in 2022.

Riverside County Habitat Conservation Agency (RCHCA)

None.

Riverside County Transportation Commission (RCTC)

Council Member Delgado reported the following:

The Commission elected the Chair, Vice Chair, Second Vice Chair for 2023 and appointed four (4) executive committee members for 2023 and 2024.

The Commission heard a presentation of the annual investment policy and adopted "*Resolution of the Riverside County Transportation Commission Regarding the Revised Investment Policy*".

Riverside Transit Agency (RTA)

Council Member Marquez reported the following:

The Board heard a presentation of the purchase of 40-foot CNG replacement buses and authorized to exercise 35 options with Gillig, LLC (Gillig). This will be the Agency's final 40-foot bus order that is comprised of all CNG vehicles. Future procurements will contain a percentage of CNG and Hydrogen Fuel Cell Electric buses.

Western Riverside Council of Governments (WRCOG)

None.

Western Riverside County Regional Conservation Authority (RCA)

None.

School District/City Joint Task Force

None.

I.2. EMPLOYEE ASSOCIATION REPORTS

None.

I.3. CITY MANAGER'S REPORT

1. Recounted the Council's accomplishments from the past year.

2. Congratulated Mayor Pro Tem Delgado.
3. Wished everyone a Happy Holidays.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PUBLIC FINANCING AUTHORITY, AND THE BOARD OF LIBRARY TRUSTEES.

Council Member Marquez

1. Praised City Staff.
2. Encouraged everyone to have a safe holiday.

Council Member Barnard

1. Praised City Staff.
2. Encouraged everyone to have a safe holiday.

Council Member Baca-Santa Cruz

1. Praised City Staff and events.
2. Wished everyone a happy holiday.

Motion made by Council Member Baca-Santa Cruz to add Mayor's Duties Ordinance to a future agenda for discussion.

Motion moved by Council Member Baca-Santa Cruz and seconded by Mayor Pro Tem Delgado.

Motion passed by a vote of 3-2, with Council Member Baca-Santa Cruz, Council Member Barnard, and Mayor Pro Tem Delgado voting yes, with Council Member Marquez and Mayor Cabrera voting no.

RESULT:	APPROVED [3 TO 2]
MOVER:	Elena Baca-Santa Cruz, Council Member
SECONDER:	Ed Delgado, Mayor Pro Tem
AYES:	Ed Delgado, Cheylynda Barnard, Elena Baca-Santa Cruz
NAYS:	Ulises Cabrera, David Marquez

Motion made by Council Member Baca-Santa Cruz to review Council Meeting dates.

Motion moved by Council Member Baca-Santa Cruz and seconded by Council Member Barnard.

Motion fails by a vote of 2-3, with Council Member Baca- Santa Cruz and Council Member Barnard voting yes, with Council Member Marquez, Mayor Pro Tem Delgado and Mayor Cabrera voting no.

RESULT: FAILED [2 TO 3]
MOVER: Elena Baca-Santa Cruz, Council Member
SECONDER: Cheylynda Barnard, Council Member
AYES: Cheylynda Barnard, Elena Baca-Santa Cruz
NAYS: Ulises Cabrera, Ed Delgado, David Marquez

Mayor Pro Tem Delgado

1. Praised Public Safety and City Staff.
2. Gilman Springs Road.
3. Wished everyone a happy holiday.

Mayor Cabrera

1. Praised City Staff.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Cabrera adjourned the meeting at 8:44 p.m.

PUBLIC INSPECTION

The contents of the agenda packet are available for public inspection on the City's website at www.moval.org and in the City Clerk's office at 14177 Frederick Street during normal business hours.

Any written information related to an open session agenda item that is known by the City to have been distributed to all or a majority of the City Council less than 72 hours prior to this meeting will be made available for public inspection on the City's website at www.moval.org and in the City Clerk's office at 14177 Frederick Street during normal business hours.

Submitted by:

Jane Halstead, CMC
 City Clerk
 Secretary, Moreno Valley Community Services District
 Secretary, City as Successor Agency for the Community
 Redevelopment Agency of the City of Moreno Valley
 Secretary, Moreno Valley Housing Authority
 Secretary, Board of Library Trustees
 Secretary, Public Financing Authority

Approved by:

Ulises Cabrera
 Mayor
 City of Moreno Valley
 President, Moreno Valley Community Services District
 Chairperson, City as Successor Agency for the Community
 Redevelopment Agency of the City of Moreno Valley
 Chairperson, Moreno Valley Housing Authority
 Chairperson, Board of Library Trustees
 Chairperson, Public Financing Authority



Report to City Council

TO: Mayor and City Council

FROM: Manuel A. Mancha, Community Development Director
Brian Mohan, Assistant City Manager

AGENDA DATE: January 3, 2023

TITLE: SECOND READING AND ADOPTION OF ORDINANCE NO. 994, AMENDING VARIOUS SECTIONS WITHIN TITLE 9 PLANNING AND ZONING, INCLUDING CHAPTER 9.02 PERMITS AND APPROVALS, CHAPTER 9.09 SPECIFIC USE DEVELOPMENT STANDARDS, CHAPTER 9.13 SPECIFIC PLANS, CHAPTER 9.14 LAND DIVISIONS, AND CHAPTER 9.16 DESIGN GUIDELINES; AND ORDINANCE NO. 995 TITLE 3 REVENUE AND FINANCE CHAPTER 3.32 FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM; AND TITLE 8 BUILDINGS AND CONSTRUCTION, CHAPTER 8.12 (FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)).

RECOMMENDED ACTION

Recommendation: That the City Council:

Conduct the second reading by title only and adopt Ordinance Nos. 994 and 995.

SUMMARY

This report recommends adoption of Ordinance Nos. 994 and 995, introduced at the City Council meeting of December 20, 2022, approving amendments to Title 3 (Revenue and Finance), Title 8 (Buildings and Construction), and Title 9 (Planning and Zoning).

DISCUSSION

This item is the second reading of the Ordinance amending various sections of

Municipal Code Title 3 (Revenue and Finance), Title 8 (Buildings and Construction), and Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code that address the following matters:

- A. Removes requirements which are duplicative of state law.
- B. Updates to comply with new State Law and Housing and Community Development (HCD) requirements.
- C. Streamlining Code requirements - These updates include revisions to provide flexibility and clarity regarding existing requirements and to streamline certain processes.
- D. Other minor clarifications and clean-up items.

ALTERNATIVES

1. Conduct the second reading by title only and adopt Ordinance Nos. 994 and 995. *Staff recommends this alternative.*
2. Provide revisions to the draft Ordinances and have staff return with the revised drafts for another adoption process.
3. Provide alternate direction to staff.

FISCAL IMPACT

There are no fiscal impacts anticipated from the approval and adoption of this Ordinance. However, it is anticipated that the proposed modifications will streamline business and development regulations, which would be expected to have a positive impact on business and development and thus positive fiscal impact to the City.

NOTIFICATION

The agenda was posted in accordance with the Brown Act.

PREPARATION OF STAFF REPORT

Prepared By:
 Name Sean P. Kelleher
 Title Planning Division Manager

Department Head Approval:
 Name Manuel A. Mancha
 Title Community Development Director

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

CITY COUNCIL STRATEGIC PRIORITIES

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

ATTACHMENTS

To view large attachments, please click your “bookmarks”



on the left hand side of this document for the necessary attachment.

- 1. Ordinance No. 994 - Title 9
- 2. Ordinance No. 995 - Titles 3 and 8

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	12/22/22 3:56 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	12/22/22 4:00 PM

ORDINANCE NO. 994

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING VARIOUS SECTIONS WITHIN TITLE 9 (PLANNING AND ZONING), INCLUDING CHAPTER 9.02 (PERMITS AND APPROVALS), CHAPTER 9.03 (RESIDENTIAL DISTRICTS), CHAPTER 9.07 (SPECIAL DISTRICTS), CHAPTER 9.08 (GENERAL DEVELOPMENT STANDARDS), CHAPTER 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS), CHAPTER 9.11 (PARKING, PEDESTRIAN AND LOADING REQUIREMENTS), AND CHAPTER 9.14 (LAND DIVISIONS) OF THE MORENO VALLEY MUNICIPAL CODE

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

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, morals and/or safety; and

WHEREAS, Section 9.02.050 (Amendments to zoning districts or other provisions of Title 9) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) of the Municipal Code provides that either the staff or the Planning Commission may initiate amendments to the provisions of Title 9; and

WHEREAS, staff has recommended to the Planning Commission that it recommend that the City Council adopt several amendments to Title 9, which include revising certain provisions of Chapter 9.02 (Permits and Approvals), Chapter 9.03 (Residential Districts), Chapter 9.07 (Special Districts), Chapter 9.08 (General Development Standards), Chapter 9.09 (Specific Use Development Standards), Chapter 9.11 (Parking, Pedestrian and Loading Requirements), and Chapter 9.14 (Land Divisions) (collectively referred to herein as “PEN22-0232”); and

WHEREAS, PEN22-0232 will clarify various development standards to provide some flexibility regarding existing requirements, make it less costly for the public with respect to processing certain entitlements and streamline certain entitlement procedures for efficiency purposes, all of which will promote economic development within the City; and

WHEREAS, staff has determined that PEN22-0232 is consistent with the MOVAL 2040 General Plan and its goals, objectives, policies, and programs, and with any applicable specific plan; and

WHEREAS, staff has further determined that PEN22-0232 will not adversely affect the public health, safety or general welfare; and

WHEREAS, staff has also determined that PEN22-0232 is consistent with the purposes and intent of Title 9; and

WHEREAS, staff has determined that PEN22-0232 Amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

That the above recitals are true and correct and are incorporated herein as though set forth at length herein.

Section 2. AUTHORITY

That this Ordinance is adopted pursuant to the authority granted by Article XI, Section 7 of the Constitution of the State of California and California Government Code Section 37100, and it is not intended to be duplicative of state law, or be preempted by state legislation.

Section 3. AMENDMENT TO TABLE 9.02.020-1 (PERMITTED USES)

Table 9.02.020-1 (Permitted Uses) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

Section 4. AMENDMENT TO SECTION 9.02.040 (GENERAL PLAN AMENDMENTS)

Section 9.02.040 (General Plan Amendments) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit B.

Section 5. AMENDMENT TO SECTION 9.02.150 (TEMPORARY USE PERMITS)

Section 9.02.150 (Temporary use permits) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit C.

Section 6. AMENDMENT TO SECTION 9.03.040 (RESIDENTIAL SITE DEVELOPMENT STANDARDS)

Section 9.03.040 (Residential site development standards) of Chapter 9.03 (Residential Districts) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit D.

Section 7. AMENDMENT TO SECTION 9.07.010(B) (DOWNTOWN CENTER (DC))

Section 9.07.010(B) (Downtown Center (DC) of Chapter 9.07 (Special Districts) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit E.

Section 8. AMENDMENT TO SECTION 9.08.070 (FENCES AND WALLS)

Section 9.08.070 (Fences and walls) of Chapter 9.08 (General Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit F.

Section 9. AMENDMENT TO SECTION 9.09.080 (DRIVE-IN, DRIVE-THROUGH, FAST FOOD AND TAKE-OUT RESTAURANTS)

Section 9.09.080 (Drive-in, drive-through, fast food and take-out restaurants) of Chapter 9.08 (General Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit G.

Section 10. AMENDMENT TO SECTION 9.11.040 (OFF-STREET PARKING REQUIREMENTS)

Section 9.11.040 (Off-Street parking requirements) of Chapter 9.11 (Parking, Pedestrian and Loading Requirements) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit H.

Section 11. AMENDMENT TO SECTION 9.14.065 (FINANCE AND CONVEYANCE MAPS)

Section 9.14.065 (Finance and conveyance maps) of Chapter 9.14 (Land Divisions) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit I.

Section 12. AMENDMENT TO SECTION 9.14.090 (FINAL LAND DIVISION MAPS)

Section 9.14.090 (Final land division maps) of Chapter 9.14 (Land Divisions) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit J.

Section 13. CEQA COMPLIANCE

That PEN22-0232 Amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

Section 14. FINDINGS

The ordinance is consistent with the City's 2040 General Plan.

Section 15. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph,

sentence or word of this Ordinance 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 ordinance as hereby adopted shall remain in full force and effect.

Section 16. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 17. EFFECTIVE DATE

That this Ordinance shall take effect thirty (30) days after its second reading.

Section 18. CERTIFICATION

That the City Clerk shall certify to the passage and adoption of this Ordinance, enter the same in the book for original ordinances of the City, and make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Ordinance is passed and adopted.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

INTRODUCED at a regular meeting of the City Council on December 20, 2022, and PASSED, APPROVED, and ADOPTED by the City Council on January 3, 2023, by the following vote:

Ulises Cabrera, Mayor
City of Moreno Valley

ATTEST:

Jan Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Attachment: Ordinance No. 994 - Title 9 [Revision 2] (6064 : Winter 22 Omnibus Second Reading)

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. YYYY-____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of ____, YYYY, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK _____

(SEAL)

Attachment: Ordinance No. 994 - Title 9 [Revision 2] (6064 : Winter 22 Omnibus Second Reading)

Exhibit A

Permitted Uses Table 9.02.020-1																										
X - Indicates stated use is permitted subject to district requirements. C - Indicates stated use is allowed with a conditional use permit. ♦ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses. A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met. S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria. M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.																										
	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUJ (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
Adult Businesses																	A		A	A	P	A	A	A	A	
Agricultural Uses—Crops Only ¹⁸	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Agricultural (involving structures)																						X				
Aircraft Landing Facilities																	C		C	C	C	C				
Ambulance Service																	♦				♦	X	X	X	X	
Amusement Parks, Fairgrounds ¹⁸																	♦					X				
Animal Raising (see Section 9.09.090 of this title) ¹⁸	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Appliance and Electronic Repair Shops													X	X	X	X	X					X	X		X	
Arcades, Video Machines																♦	X	♦								
Athletic Clubs, Gymnasiums and Spas ¹⁸													X	X	X	X	X		X			X	X	X	X	
Auction Houses ¹⁸																	X								X	
Auditoriums ¹⁸													♦	♦	♦		♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Auto Electronic Accessories and Installation																	X					X	X		X	
Automobile Fleet Storage																						X	X			
Automobile, Motorcycle, Truck, Golf Cart, Recreational Vehicle and Boat Sales and Incidental Minor Repairs and Accessory Installations																	♦					X	X			
Auto Service Stations																										
Accessory uses include convenience store and car wash																	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦

Attachment: Ordinance No. 994 - Title 9 [Revision 2] (6064 : Winter 22 Omnibus Second Reading)

Exhibit A

Permitted Uses Table 9.02.020-1

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- A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
- S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Residential Zones													Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUJ (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Minor repairs to include auto/boat/motorcycle/RV (excludes major repair, paint, body work)																											
Automotive, Boat, Motorcycle and RV Repair—Minor (includes brake, muffler and tire installation and repair)																◆	X						X	X		X	
Automotive Paint and Body Repair—Major Engine Overhaul																	◆						X				
Auto Rentals																	X							X	X	X	
Auto Supply Stores													X	X	X	X	X						X	X		X	
Bakery Shops													X	X	X	X	X	X								X	
Bakery—Commercial ¹⁸																						X					
Banks—Financial Institutions ¹⁸													X	X	X	X	X	X	X	X					X	X	
Barber and Beauty Colleges ¹⁸													X	X	X	X	X		X	X				X	X		
Bars (Drinking Establishments) ¹⁸																											
Bars													C	C	C	C	C	C									
Bars, with Limited Live Entertainment													C	C	C	C	C	C									
Boat Sales New and Used Including Repairs and Accessory Installation																	◆						X				
Boarding and Rooming Houses ¹⁸									X	X	X	X	X	X													
Bowling Alley													◆	◆	◆	X	X										
Building Material Sales ¹⁸																	◆										
With outdoor storage ¹⁸																	◆						X	X			
Building Material Storage Yards ¹⁸																							X				

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Bus, Rail and Taxi Stations ¹⁸															♦		♦										
Business Equipment Sales (includes repairs)													X	X	X	X	X	X	X						X		
Business Schools ¹⁸													X	X	X	X	X	X	X	X			X	X	X	X	
Business Supply Stores													X	X	X	X	X		X				X	X		X	
Cabinet Shop																						X	X	X	X		
Caretakers Residence ¹																♦	♦	C	♦	♦	♦	♦	♦	♦	♦	♦	
Car Wash																X	X					X					
Accessory to auto related use																♦	♦					X					
Catering Service													X	X	X	X	X	X							X	X	
Cemetery (Human or Pet) With or Without Accessory Mortuary and Cremation Services (Minimum 10-acre site required)	C	C	C	C	C	C	C	C	C	C	C	C															
Churches ^{2, 18}	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	C	♦	♦	♦	♦	♦	♦	♦	♦	
Clubs ¹⁸									♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	C
Commercial Cannabis Activities ^{17, 18}																											
Cultivation																								M	M	M	
Dispensary																M	M									M	
Manufacturing																							M	M	M		
Testing																							M	M	M		
Microbusiness																	M								M		
Distribution Center																M	M							M	M	M	
Commercial Radio or Television Stations																											

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Exhibit A

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUJ (8.10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
With on-site antenna																	♦						♦	♦	♦	♦	
Without on-site antenna																	X						X	X	X	X	
Communications Facilities (See Section 9.09.040 of this title)																											
Computer Sales and Repairs													X	X	X	X	X		X				X	X	X	X	
Contractors Storage Yard																							X				
Convalescent Homes/Assisted Living ¹⁸								C	C	C	C	C	C	♦	♦	♦	♦	♦	♦	♦	♦	♦					
Convenience Stores																											
With drive-through																	X	X									
Without drive-through													X	X	X	X	X										
With alcohol sales													♦	♦	♦	♦	♦										
Convention Hall, Trade Show, Exhibit Building with Incidental Food Services ¹⁸															C		♦		♦		♦			♦	♦		
Copy Shops													X	X	X	X	X	X	X	X			X	X	X	X	
Country Club ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C															
Dancing, Art, Music and Similar Schools ¹⁸													X	X	X	X	X	X	X	X				X	X	X	
Day Care Centers ^{18,19}	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	C
Delicatessens ¹⁸													X	X	X	X	X	X	X					X	X	X	
Diaper Supply Service																							X				
Laundry with fleet storage ¹⁸																							X				
Disposal company																							X				
Drapery Shops													X	X	X	X	X	X									

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUJ (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Dressmaking Shops													X	X	X	X	X	X									
Driving School ¹⁸													X	X	X	X	X		X	X				X	X	X	
Drug Stores													X	X	X	X	X	X									
Dry Cleaning or Laundry ¹⁸																											
a. Dry Cleaning													X	X	X	X	X	X	X							X	
b. Laundromat													X	X	X	X	X	X	X								
c. Laundry Commercial																						X	X				
Emergency Shelters ¹⁴																	C		C	C	X	C				C	
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack) ¹⁸	C	C	C	C													♦										C
Exterminators																	C						X	X	X	X	
Farm Worker Housing ¹⁸									X	X	X	X															
Feed and Grain Stores																X	X	X									
Fire and Police Stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Floor Covering Stores (may include incidental repairs with installation service)													X	X	X	X	X						X				
Fraternity/Sorority ¹⁸									C	C	C	C	C														
Frozen Food Locker																							X	X			
Gasoline Dispensing - Non-retail accessory to an auto-related use ¹⁸																	X						X	X	X	X	
Glass Shops and Glass Studios—Stained, etc.																X	X						X	X		X	

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones							
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Golf Courses or Golf Driving Ranges with Incidental Commercial Uses ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C																	◆
Handicapped Housing ¹⁸								X	X	X	X	X	X	X	X														
Heavy Equipment Sales and Rentals																	X						X	X					
Hospitals ¹⁸															◆		◆		◆	◆						C	C	C	
Hotels ¹⁸																													
a. With 20% or less of the units containing kitchens													X	X	X		X		C				X	X	X				
b. With over 20% of the units containing kitchens													C	C	C		C		C				C	C	C				
Ice Cream Stores—Including Yogurt Sales													X	X	X	X	X	X	X								X		
Impound Yards																						X							
Jewelry Stores													X	X	X	X	X	X											
Kennel and Catteries	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		◆	◆	◆	◆	C						
Laboratories (medical and dental) ¹⁸													X	X	X	X	X		X	X		X	X	X	X				
Libraries ¹⁸	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X				
Liquor Stores													◆	◆		◆	◆												
Live/Work Unit ^{12, 18}													X	X	X														
Locksmith Shops													X	X	X	X	X	X				X	X	X	X				
Lodge Halls and Similar Facilities ¹⁸													◆	◆	◆	◆	◆		◆					◆	◆				
Lumberyards																	X					X							
Mail Order House																	X					X	X	X	X				
Manufacturing and Assembly ¹⁸																													

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a. Custom and light manufacturing indoor uses only (50,000 square feet or less), with light truck traffic, on-site and wholesaling of goods produced																						X	X	X	X	
b. Custom and light manufacturing indoor uses only (more than 50,000 square feet), with light truck traffic, on-site and wholesaling of goods produced																						X	X			
c. General manufacturing with frequent truck traffic and/or outdoor equipment or storage																						X	X			
d. Retail sales of goods produced or warehoused on-site ³																						X	X	X	X	
Medical Clinics/Medical Care ¹⁸																										
Inpatient care													X	X	X	X	X		X	X		X	X	X	X	
Urgent care													X	X	X	X	X		X	X						
Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices															X	X		X								
Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory equipment															X	X		X								
Mobile Home Parks ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C														
Mobile Home Sales or Rentals (outdoor display)																	C									
Mortuaries																										

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With cremation services																										
No cremation services			C	C	C	C	C	C	C	C	C				♦	♦	♦									
Museums ¹⁸	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Newspaper and Printing Shops													X	X	X	X	X					X	X	X	X	
Nightclubs ¹⁸														C	C		C									
Nursery, (Plant), Wholesale and Distribution	X	X	X	X																		X	X			X
Offices (administrative and professional) ¹⁸													X	X	X	X	X	X	X	X			X	X	X	
Open Air Theaters ¹⁸															C						C					C
Orphanages ¹⁸	C	C	C	C	C	C	C	C	C	C	C															
Painting Contractor																						X	X			
Parcel Delivery Terminals ¹⁸																						X	X	X	X	
Parking Lot															C	C	X	X	C					X		
Parks and Recreation Facilities (public) ¹⁸	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Personal Services (e.g., nail salons, spa facilities ¹⁵ , barber and beauty shops, and tattoo parlors) ¹⁸													X	X	X	X	X	X	X						X	
Pharmacy ⁴													X	X	X	X	X	X	X						X	
Photo Studios													X	X	X	X	X	X	X						X	
Plumbing Shops																	X								X	
Plumbing Supply Stores for Contractors																							X	X	X	
Pool Hall ¹⁸														♦		♦	♦									
Postal Services													X	X	X	X	X	X	X				X	X	X	
Pottery Sales with Outdoor Sales													X	X	X	X	X	X				X			X	

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Public Administration, Buildings and Civic Centers ¹⁸													X	X	X	X	X	X	X	X	X	X	X	X	X						
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆						X	X	◆	◆	C
Racetracks ¹⁸																	C														
Record Store													X	X	X	X	X	X													
Recording Studio													X	X	X	X	X	X	X	X			X	X	X	X					
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆													
Recycling, Large Collection Facility ⁵																	◆						X	X							
Recycling, Small Collection Facility													X	X	X	X	X	X													
Recycling Processing Centers													X	X	X	X	X	X	X	X	X	X	X	X	X						
Refreshment Stands													X	X	X	X	X	X	X	X	X	X	X	X	X						
Rental Service																															
Within an enclosed structure (furniture, office, party supplies)													X	X	X	X	X	X				X	X	X	X						
With outdoor storage and display (vehicles, equipment, etc.)																◆	◆					X	X								
Research and Development ¹⁸													X	X	X				X	X		X	X	X	X						
Residential ¹⁸																															
Single-Family	X	X	X	X	X	X	X	X	X	X	X	X																			
Multiple-Family									X	X	X	X	X	X	X																
Manufactured home park (see mobile home parks)																															

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones							
	CH	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN ^(9,11)	MUC ^(9,11)	MUJ ^(8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS		
Residential Care Facility (for seven or more persons) ¹⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X													
Restaurants (Eating and Drinking Establishments) ¹⁸																												
Without entertainment													X	X	X	X	X	X	X								X	
With Limited Live entertainment													X	X	X	X	X	X	X									
With alcoholic beverage sales													X	X	X	X	X	X	X								X	
With outdoor seating ¹³													X	X	X	X	X	X	X								X	
Restaurants (fast-food) ¹⁸																												
With drive-through																♦	♦										♦	
Without drive-through													X	X	X	X	X										X	
Retails Sales													X	X	X	X	X	X										
Support Retail Sales													X	X	X				X								X	
Sandwich Shops ⁶													X	X	X	X	X	X	X	X ⁶								
Schools, Private	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦		♦	♦						♦	♦	
Senior Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X								
Shoe Shine Stands													X	X	X	X	X		X	X				X	X			
Shoe Repair Shop													X	X	X	X	X	X										
Sign Shop													X	X	X	X	X	X				X	X	X	X			
Single room occupancy (SRO) facility ¹⁸											C	C	C	C	C		X											
Skating Rinks ¹⁸														X			X											
Smoke Shops ¹⁶																S	S	S	S									
Stationery Stores													X	X	X	X	X	X	X					X	X			
Statue Shop -Outdoor display																	♦					X	X					

Attachment: Ordinance No. 994 - Title 9 [Revision 2] (6064 : Winter 22 Omnibus Second Reading)

Exhibit A

Permitted Uses Table 9.02.020-1																											
X - Indicates stated use is permitted subject to district requirements. C - Indicates stated use is allowed with a conditional use permit. ♦ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses. A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met. S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria. M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.																											
	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUJ (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Storage Lots and Mini-Warehouses																											
Indoor																	C						X				
Outdoor																	C						X				
Supportive and Transitional Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X							
Swim Schools/Center with Incidental Commercial Uses ¹⁸	C	C	C	C	C	C	C	C	C	C	C						X										
Taxidermist																	X						X	X			
Theaters (excludes open air) ¹⁸													X	X	X	X	X	X									
Tire Recapping																							X				
Trade and Vocational Schools ¹⁸													X	X	X		X		X	X			X	X	X		
Transfer, Moving and Storage Facilities																							X	X			
Truck Wash																							X	X			
Upholstery Shops																	X						X	X		X	
Vehicle Storage Yards																											
Indoor																	X						X	X			
Outdoor																	C						X	X			
Vending Machine Service and Repair																							X	X	X	X	
Veterinarian (including animal hospital) ¹⁸																											
All activities within an enclosed structure													X	X	X	X	X								X	X	
With outdoor activities																	♦							♦	♦		
Weight Reduction Center													X	X	X	X	X	X	X								
Wholesale, Storage, and Distribution ¹⁸																											

Attachment: Ordinance No. 994 - Title 9 [Revision 2] (6064 : Winter 22 Omnibus Second Reading)

Ordinance No. 2023-994
Date Adopted: January 3, 2023

Exhibit A

Permitted Uses Table 9.02.020-1

X - Indicates stated use is permitted subject to district requirements.
 C - Indicates stated use is allowed with a conditional use permit.
 ♦ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses.
 A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
 S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
 M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUI (8.10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
All activities indoors (50,000 square feet or less)																						X	X	X	X	
All activities indoors (more than 50,000 square feet)																						X	X			
All activities outdoors																						X				
Retail sale of goods warehoused on-site ⁷																						X	X	X		
Wrecking Yard																						♦				

- Notes:
- (1) Do not consider residential use per distance requirement.
 - (2) The administrative plot plan process may be used to establish these uses in an existing building within any commercial or industrial zone, even if the project is located adjacent to residential uses or zones.
 - (3) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
 - (4) Permitted in the OC and VOR districts only as a support medical office facility.
 - (5) Large collection facilities may be established within an existing building through the “tenant improvement” process if such building or tenant space occupied by the use is not located adjacent to a residential use or zone.
 - (6) Sandwich shops shall not have cooking hoods, nor shall they exceed five percent of the gross floor area of the complex where they are located.
 - (7) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
 - (8) In the MUI district, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 300 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and (b) are allowed, but not required on the other lots.
 - (9) In the MUC and MUN districts, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 150 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and (b) are allowed, but not required on the other lots.
 - (10) See Section 9.07.40 (Medical Use Overlay District)

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Exhibit A

- (11) See Section 9.09.260 (Mixed Use Development)
- (12) See Section 9.09.250 (Live-Work Development)
- (13) See Section 9.09.270 (Outdoor Dining)
- (14) Use is also permitted in the Moreno Valley Industrial Area Plan (SP 208)
- (15) For Spa Facilities refer to Title 11, Chapter 11.96 of the Municipal Code.
- (16) See Section 9.09.280.C (Smoke Shops) for distance requirements that require a Conditional Use Permit.
- (17) See Section 9.09.290 (Commercial Cannabis Activities) for all Commercial Cannabis Activities regulations.
- (18) See Section 9.07.060 Airport Land Use Compatibility Plan for Airport Land Use Compatibility Plan (ALUCP) requirements for actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable ALUCP.
- (19) For Day Care uses in the Moreno Valley Industrial Area Plan (SP 208), See Section 9.07.060 Airport Land Use Compatibility Plan for Airport Land Use Compatibility Plan (ALUCP) requirements for actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable ALUCP.

Zoning District Key			
HR	Hillside Residential District	MU	Mixed Use Overlay District
RR	Rural Residential District	MUN	Mixed-Use Neighborhood Overlay District
R1	Residential 1 District (40,000 square feet minimum lot size)	MUC	Mixed-Use Community Overlay District
RA2	Residential Agriculture 2 (20,000 square feet minimum lot size)	MUI	Mixed-Use Institutional Anchor Overlay District
R2	Residential 2 District (20,000 square feet minimum lot size)	NC	Neighborhood Commercial District
R3	Residential 3 District (10,000 square feet minimum lot size)	CC	Community Commercial District
R5	Residential 5 District (7,200 square feet minimum lot size)	VC	Village Commercial District
RS10	Residential Single-Family 10 District (4,500 square feet minimum lot size)	OC	Office Commercial District
R10	Residential 10 District (Up to 10 Dwelling Units per net acre)	O	Office District
R15	Residential 15 District (Up to 15 Dwelling Units per net acre)	P	Public District
R20	Residential 20 District (Up to 20 Dwelling Units per net acre)	I	Industrial District
R30	Residential 30 District (Up to 30 Dwelling Units per net acre)	LI	Light Industrial
		BP	Business Park District
		BPX	Business Park-Mixed Use District
		OS	Open Space District

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Exhibit B

9.02.040 General plan amendments.

- A. Purpose and Intent. As conditions within the city change, it may, from time to time, become necessary to amend the general plan to enhance its effectiveness. In addition, state law requires that the general plan be periodically updated. The purpose of this section is to provide a method for amending the general plan to ensure its continued effectiveness.
- B. Authority. Authority for approval of general plan amendments shall be vested in the city council. The community development director and planning commission shall provide recommendations to the city council regarding general plan amendments. The city council may amend all or part of the general plan, or any element thereof. All zoning districts, any specific plan and other plans of the city that are applicable to the same areas or matters affected by the general plan amendment, and which by law must be consistent with the general plan, shall be reviewed and amended concurrently as necessary to ensure consistency between the general plan and implementing zoning, specific plans, and other plans.
- C. Restriction on Number of Amendments. Except as otherwise specified by state law (e.g., Government Code Section 65358), no mandatory element of the general plan shall be amended more frequently than four times during any calendar year.
- D. Initiation of Amendments to the General Plan. An amendment to the general plan or any element thereof may be initiated by any of the following actions:
 - 1. Recommendation of the planning commission and city council concurrence;
 - 2. Recommendation of the city council; and
 - 3. A privately filed application involving a change in land use designation for a specific property shall be submitted by the property owner or the owner's authorized agent and shall be accompanied by all required applications. Applications for amendment limited to changes in goals, objectives, policies and implementing actions may be submitted by any affected party and shall be accompanied by an explanation of reasoning and, if applicable, any concurrent applications required for approval of the particular development project the amendment is intended to accommodate. General plan amendment actions for any element, as necessary, will occur on approximately a quarterly basis.
- E. Authority and Hearings. Authority for approval of general plan amendments shall be vested in the city council. The community development director and planning commission shall provide recommendations to the city council regarding general plan amendments.
 - 1. Planning Commission Review.
 - a. A public hearing before the planning commission shall be noticed in accordance with Section 9.02.200 of this chapter and held within a reasonable time (unless otherwise specified by state law), after the close of the quarterly filing period in which a privately initiated application is deemed complete and after required environmental documentation has been completed. A longer period of time may be prescribed by the city council in the case of a city-initiated amendment.
 - b. The planning commission shall make a written recommendation on the proposed amendment to approve, approve in modified form or disapprove.
 - c. Planning commission action recommending disapproval of proposed general plan amendment, regardless of how such amendment was initiated, shall be final unless appealed pursuant to the provisions of Section 9.02.240 of this chapter, within ten (10) consecutive calendar days after the planning commission's recommended disapproval or unless the city council assumes jurisdiction by the request of any member thereof, prior to the end of the ten (10) day appeal period.

Exhibit B

2. City Council Review and Action. A public hearing before the city council shall be noticed in accordance with Section 9.02.200 of this chapter and held on the earliest appropriate date after the recommendation of the planning commission to approve a proposed general plan amendment or appeal of a decision by the planning commission to disapprove a proposed general plan amendment or a decision by the city council or any of its members to hear the matter. The city council may approve, approve with modifications, or disapprove any proposed amendment. Prior to council action, any substantial modification proposed by the council which was not previously considered by the planning commission shall first be referred to the planning commission for its recommendation. Failure of the commission to report within forty-five (45) calendar days, or within the time period set by the city council, shall be deemed a recommendation for approval.
- F. Required Findings. Amendment to the text or maps of the general plan may be made if:
1. The proposed amendment is consistent with existing goals, objectives, policies and programs of the general plan;
 2. The proposed amendment will not adversely affect the public health, safety or general welfare.

Exhibit C

9.02.150 Temporary use permits.

- A. Purpose and Intent. The temporary use permit is intended to allow for short-term activities on privately owned property with appropriate regulations so that such activities will be compatible with the surrounding areas.
- B. Authority.
1. Authority for approval of temporary use permits shall be vested with the community development director through the minor development review process.
 2. A permit shall not be required for events that occur in theaters, meeting halls, or other permanent public assembly facilities. Temporary uses may be subject to additional permits, other city department approvals, licenses, and inspections, as required by any applicable laws or regulations.
- C. Permitted Temporary Uses. The following table identifies those uses which may be permitted subject to the issuance of a temporary use permit:

Temporary Uses Table 9.02.150-3

Permitted Temporary Uses (With a Temporary Use Permit)	Locations	Max. No. Days per Calendar Year
Commercial and noncommercial Christmas tree sales, and incidental sales of Christmas lights, tree stands and decorations, but excluding gift items	All zones	30
Mobile health clinic	All commercial and industrial districts	14
Merchandise sale or provision of services - outdoors or in mobile or temporary enclosures - in conjunction with established businesses (see subsection D of this section)	All commercial districts	36 days per shopping or commercial center
Merchandise sale - outdoors or in mobile or temporary enclosures, sponsored by and on the premises of a bank, savings and loan association or credit union of merchandise typically financed by that institution in the normal course of its lending business (see subsection D of this section)	Banks, savings and loan associations and credit unions	12 days per shopping or commercial center
Real estate offices on the site of a proposed subdivision	All districts	n/a
Construction and security personnel offices on active construction sites	All districts	n/a
Temporary construction yards not located on active construction sites	All districts	n/a
Tent meetings	All districts	30
Commercial carnival, concert, exhibit, festival or similar event outdoors or in temporary enclosures	All commercial and industrial districts	14
Noncommercial carnival, fair, concert, exhibit, festival or similar; outdoors or in temporary enclosures	All districts	14
Pumpkin sales lots	All zones	30
Seasonal produce stands	All zones	120
Any other use deemed appropriate by the community development director.	All districts.	n/a
1. The community development director may extend the maximum number of days per calendar year based on special circumstances.		

- D. Special Requirement for Merchandise Sales. The following shall apply to merchandise sales or provision of services, as delineated in the Temporary Uses Table 9.02.150-3:
1. "Merchandise sale in conjunction with established businesses" means an event managed and operated by the owner or operator of a permanently established business, on the premises of that business (or upon immediately adjacent common area of a shopping or commercial center in which the business is located),

Exhibit C

- conducting the sale, lease, rental or other transfer of control of merchandise which is inventory of the established business or the provision of services and which is of the same or similar kind and quality normally offered as immediately available to the public by that business at that business site. Sales operated by outside vendors shall not be permitted under this provision. An outdoor sale of merchandise or provision of services on the premises of a business that ordinarily only displays merchandise and/or conducts sales or lease transactions for customer delivery or provides services at another site or at another time shall not be permitted under this provision. This subsection shall not apply to “merchandise sales on the premises of a bank, [etc.],” as listed in the Temporary Uses Table.
2. Merchandise sales or provision of services sponsored and sanctioned by the Master Property Association or Property Manager for Shopping Centers, shall be a maximum of thirty-six (36) days per calendar year. An outdoor sale of merchandise or provision of services on the premises of a business that ordinarily only displays merchandise and/or conducts sales or lease transactions for customer delivery or provides services at another site or at another time shall be permitted under this provision.
 3. Food and Entertainment. Upon approval of the community development director and in compliance with all other laws and regulations, food or entertainment may be sold or provided by secondary vendors incidental to the merchandise sale or provision of services, such as a hot dog cart, snow cone or popcorn wagon, pony ride, inflatable jumper, etc., provided that such uses occupy not more than twenty-five (25) percent of the total space occupied by the sale or four hundred (400) square feet, whichever is less.
 4. No secondary vendors, incidental to the merchandise sale or provisions of services provided, shall conduct business without a buffer of at least two hundred (200) feet from any established business on-site that sells similar products unless written consent from either the Master Property Association, Property Manager, or established business(es), for a lesser buffer, has been presented to the city of Moreno Valley.
 5. Merchandise sales (including display areas) or provision of services shall not occupy landscaped areas or unimproved surfaces.
 6. Merchandise sales or provision of services taking place upon parking surfaces shall be confined to improved parking surfaces. Merchandise sales or provision of services shall not occupy more than twenty (20) percent of the legally required improved parking spaces for the business conducting the sale or services, unless approved by the community development director. No merchandise sale or provision of services shall occupy parking spaces legally required for another business, including other businesses located in the same shopping or commercial center, or parking spaces otherwise required for the shopping or commercial center in which the business is located. Merchandise sales or provision of services may occupy on-site improved parking spaces that are not so legally required, subject to all other provisions of this chapter. No merchandise sale or provision of services shall occupy or encumber more than one hundred twenty-five (125) parking spaces.
 7. Merchandise sales or provision of services shall not negatively affect the vehicular and pedestrian circulation patterns of the subject site or nearby streets, or the usability of the remaining parking spaces for the site, and shall allow unabated access for public safety personnel and vehicles.
 8. Setup and Takedown. One day of setup before a merchandise sale and one day of takedown/cleanup after the sale shall not be counted against the total number

Exhibit C

- of permitted sale days. No sales activity shall occur on such setup or takedown/cleanup days.
9. No Use of Public Right-of-Way. Any and all personal properties or merchandise or services shall be solely contained on private property and shall not extend into the public right-of-way.
 10. Cleanup. The permittee shall be responsible for cleanup of the site within twenty-four (24) hours of termination of the event.
- E. Application Requirements. Applications for temporary use permits shall be filed a minimum of thirty (30) days prior to the date of the proposed event with the community development department. Applications must be accompanied by all appropriate fees and deposits, as determined by resolution of the city council. The application shall include, at a minimum, the following information:
1. A site plan identifying the area to be occupied, including the location of merchandise or provision of services, proposed signage, temporary structure(s) (e.g., tents, shade structures, vending stands, etc.) and all pedestrian areas, parking lot areas and/or drive aisles proposed to be closed, blocked, obstructed and/or barricaded and their proximity to major circulation aisles, public rights-of-way and buildings. The site plan shall provide proof of compliance with all requirements of applicable laws, ordinances and regulations;
 2. Written authorization from the property owner or the property owner's duly authorized agent;
 3. Written operational/environmental statement identifying the proposed dates, defining the nature of the event or use and containing such other information as the community development director or designee shall consider necessary to determine the expected effects and impacts of the event or use;
 4. Proof of all applicable city business licenses.
- F. Criteria for Permit Issuance. The community development director shall consider the following criteria in rendering a decision relative to a temporary use permit application:
1. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
 2. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
 3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;
 4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the community development director and the city traffic engineer;
 5. The property shall be posted at least ten (10) days prior to issuance of a permit for a temporary outdoor event anticipated to accommodate two thousand five hundred (2,500) or more persons on a single site;
 6. Neither the applicant nor any person actually managing or operating the temporary use shall have been in violation of any prior temporary use permit within twelve (12) months of the date of application.
- G. Conditions of Approval. In approving an application for a temporary use permit, the community development director may impose conditions that are deemed necessary to ensure that the permit will be applied in accordance with the criteria outlined above. These conditions may involve any factors affecting the operation of the temporary use or event, and may include, but are not limited to:

Exhibit C

1. Provision of temporary parking facilities, including vehicular ingress and egress;
2. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases and heat;
3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;
6. Provision of security and safety measures, including deputized officers if necessary, as determined by the chief of police, with all costs borne by the applicant for security and police services;
7. Regulation of signs, including without limitation, placement of any signage outside of the city limits;
8. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested;
9. Submission of a performance bond or other surety device to assure that any temporary facilities or structures used for the proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
10. Submission of a site plan indicating any information required by this section; all events, structures, equipment, merchandise and activities shall be confined to the area designated on the approved site plan for that event;
11. A requirement that the approval of the requested temporary use permit is contingent upon compliance with applicable provisions of other ordinances;
12. All noncity sponsored groups and individuals who wish to utilize city of Moreno Valley, Moreno Valley community service district (MVCSD) or redevelopment agency (RDA) facilities shall be subject to the following requirements:
 - a. Noncity sponsored groups or individuals must complete an application which includes an indemnification and hold harmless clause protecting the city and MVCSD or RDA from the lessee's activities;
 - b. Noncity sponsored groups or individuals must provide the city with evidence of adequate general liability insurance by either:
 - i. Providing the city with an original certificate of liability insurance and endorsement binder naming the city of Moreno Valley, MVCSD or RDA, where appropriate, as an additional insured,
 - ii. Participating in the city's special events insurance program if available and approved by the city manager;
13. Other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this section;
14. Timely payment of all business license fees, gross receipts taxes and sales and use taxes attributable to the temporary use.

Exhibit D

9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.
 - a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

- b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.
 - c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac x 0.10 du/ac plus 5 ac x 0.20 du/ac).
2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.
3. Subdivision Design and Future Land Divisions.
 - a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.
 - b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or

Exhibit D

open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. **Building Height.** Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.
5. **Setbacks and Other Site Development Criteria.** Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	Standards
Under 40,000 s.f.	R2 district standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

B. Hillside Residential Requirements.

1. **Slope-Density-Natural Area Relationship.** The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.
 - a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

- b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The community development director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.
 - c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac x 0.25 du/ac plus 5 ac x 0.10 du/ac).
2. **Minimum Lot Size.** Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

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3. Subdivision Design and Future Land Divisions.
 - a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.
 - b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.
4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.
5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

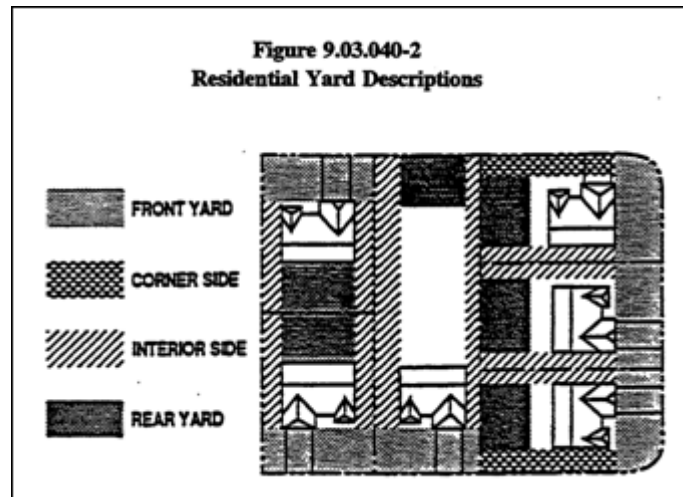
Lot Size	Standards
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

6. Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:

Slope Class	Standards
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large, padded building areas.
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

- C. Slope Calculations. For the purposes of this section, the following method will be used to determine slope.
 1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).
 2. a. For the purpose of determining the amount and location of land falling into each slope

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**Table 9.03.040-6
Residential Site Development Standards
Single-Family Standards**

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages						10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	15
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term "DUs" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040-6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.

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2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.
3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.
4. The minimum front yard setback from private streets within the R1, R2 and R3 districts shall be fifty-five (55) feet measured from the center line of the street. The minimum front yard setback from private streets within the R5 district shall be fifty (50) feet measured from the center line of said street.

Table 9.03.040-7
Residential Site Development Standards
Multifamily Standards

Requirement	R10	R15	R20	R30
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)**	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in ft.	200	200	200	200
4. Minimum lot depth in ft.	175	175	175	175
5. Minimum front yard setback, in ft.	20	25	30	30
6. Minimum side yard setback, in ft.				
Interior side yard	10	10	10	10 ft. plus 2 ft. for every 5 ft. in height over 30 ft.
Street side yard	20	20	20	20
7. Minimum rear yard setback, in ft.	15	20	25	10 ft. plus 2 ft. for every 5 ft. in height over 30 ft.
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in ft.	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in ft. (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

** Minimum lot size only applies to newly subdivided multi-family lots; existing lots can be developed under the multi-family development standards

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.
2. In the R2, RA2, R3 and R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

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3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.
 4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:
 - a. Front porches;
 - b. Automatic garage door openers;
 - c. Electronic security systems.
 5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.
 6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.
 7. For all single-family residential developments in the R10, R15, R20, and R30 districts a Planned Unit Development application shall be submitted to establish the applicable development standards.
 8. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.
- F. Special Multiple-Family Residential Development Standards.
1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.
 2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.
 3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.
 4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.
 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials to include water efficient native plants, except for necessary walks and

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fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with pervious surfaces where feasible to reduce run off.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.
8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.
9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.
2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.
3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.
4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.
5. Open parking areas should be clustered and treated as landscaped plazas and courts.
6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.
7. No more than four units for a two-story structure should be served by one entry.
8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.
9. Common open space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.
10. Individual units should have a porch or porch-like space at the front door.
11. Trash enclosures shall be located to provide a maximum walking distance of two hundred

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- fifty (250) feet from the units they serve.
12. Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.
 13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.
 14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.
 15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to post office guidelines.
 16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.
 17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.
 18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.
 19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.
 20. Multiple-family projects warrant special design considerations, including:
 - a. Intimate, shaded outdoor seating areas;
 - b. A network of pathways, providing interesting walking experiences;
 - c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;
 - d. Convenient and attractive access to transit, including porte cocheres, information kiosks, seating areas and water elements;
 - e. Security;
 - f. Direct ambulance access (senior housing projects);
 - g. Parking close to units;
 - h. Elevators (senior housing projects).
 21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.
 22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.
 23. Multifamily projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.
 24. Architectural features should be used to increase privacy from nearby units and common or public spaces.
 25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.
 26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.
 27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

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9.07.010(B) Downtown Center (DC).

B. Downtown Center (DC).

1. Purpose and Intent. The downtown center is envisioned as the primary hub and focal point of Moreno Valley and an economic and cultural engine in the region. The district establishes standards to foster development of a vibrant downtown center at the heart of the city to serve as a focal point of the community and destination for people from around the region. The district allows for a vibrant mix of business, entertainment, residential, cultural, and civic uses with the focus of the highest intensity of development along Nason Street. It integrates existing uses and layers compatible new land uses and public amenities together at various scales and intensities to foster a mix of uses that encourages people to live, work, play, and shop within the downtown center.
 With a range of activities day and night, this thriving area will draw people and businesses to Moreno Valley and will showcase the highest quality architecture and design to rival anything in the region. The downtown center will integrate the existing hospital complexes and provide visual and physical connections to Moreno Valley College, Lake Perris, and other key destinations within the community.
 Visibility is a critical design consideration for the downtown center. Design standards for development at the core of the downtown center could take advantage of the relatively flat terrain and promote higher building heights to help build visual connections from other locations within the community and enhance the prominence of the downtown center as an important destination. Additionally, public plazas and other vantage points within the downtown center should be designed to allow for view of the scenic hills surrounding the city, enhancing sense of place.
2. Property Development Standards. The downtown center zone applies primarily to parcels in the area generally bounded by Lasselle Street, Iris Avenue, Nason Street, and extending to Cottonwood Avenue at some locations. The intent is to allow for development of a downtown that will include commercial, office, vertical and horizontal mixed use, higher density multifamily development, and lower density residential on the periphery. The most intense development is expected to be focused towards Nason Street. The zone is intended to:
 - a. Ensure orderly and thorough planning and review procedures that will result in quality design;
 - b. Provide the creation and improvement of common open space and coordination of vehicular, pedestrian, and bicycle circulation;
 - c. Establish a procedure for the development of land under unified control to achieve efficient land use patterns while permitting creative and innovative approaches to the development of residential, commercial, and mixed-use in the designated DC district in order to create a central downtown business atmosphere towards Nason Street;
 - d. Encourage mixed development patterns and avoid monotony in large developments by allowing greater flexibility in selecting the means to provide access, light, open space, and amenities; and
 - e. Decrease the burden created by new development on utilities and other infrastructure systems by permitting mixed use development consistent with policies of the general plan.
3. Special Requirements. In order to implement the downtown center (DC) district general plan policies, an area plan will be required demonstrating consistency with

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the principles outlined in the land use and community character (LUCC) element, Table LCC-2 and the illustrative development program shown in the LUCC element, Table LCC-3 prior to approval. For large projects, an existing or proposed specific plan may be used in lieu of an area plan. Development on smaller parcels and multifamily housing projects may satisfy this requirement with a site plan as determined by the community development director, and development of residential projects on the periphery of the downtown center may satisfy the requirement through approval of a planned unit development application.

- a. The Floating Zone Concept. A floating zone is a zone that delineates a general area where certain conditions would need to be considered before a development proposal is approved.
- b. Floating PUDs. The floating planned unit development (DC-PUD) designation allows for the development of single-family housing and less dense multifamily housing on the periphery of the downtown center. This will support development of the most intense development in proximity to Nason Street, allowing residential mixed-use projects with ground-floor commercial uses in proximity to the intersection of Nason Street and Alessandro Boulevard, and encouraging residential development greater than twenty (20) dwelling units per acre along portions of Alessandro Boulevard towards Nason Street.

The designation for the floating planned unit development zone is indicated on the official zoning map with a circle border and the letters "DC-PUD." This symbol represents a "floating" designation and is only intended to indicate a general area within which a PUD could be located. It does not preclude other development or uses that would otherwise be permitted within the downtown center. The purpose and intent of the PUD floating zone is to provide flexibility in planning for residential development of projects.

- c. Floating Plazas. The floating parks and plazas (DC-PPL) zone is used to designate lands that can be publicly or privately- owned and are intended to be programmed for low intensity, publicly accessible open space uses. Parks and plazas represent a creative solution to provide more public space in the downtown center zone. Plazas and pocket parks will generally be spaces that are developed and maintained privately, but open to the public. Opportunities for the creation of these types of plazas will occur as properties in the DC zone develop with higher intensity uses.

The designation for the park or plaza is indicated on the official zoning map with a circle border and the letters "DC-PPL." This symbol represents a "floating" designation and is only intended to indicate a general area within which a park or plaza site should be located. The specific size, exact location and configuration of such park or plaza site will be finalized only through future development of specific parcels in the DC district through an area plan, specific plan, or a site plan. Until such time that these properties are privately developed as a publicly accessible park or plaza space or purchased by the city, development is allowed consistent with the DC zone.

4. Site Development Standards.
 - a. General Requirements. The following sets forth minimum site development standards for the downtown center. In addition, projects must comply with the special requirements enumerated in subsection (B)(3) of this section, the performance standards included in Chapter 9.10, and other applicable

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ordinances, policies, and programs. The parking standards in Section 9.11.040 off-street parking requirements shall apply.

Downtown Center (DC) - Development Standards

Requirement	Development Standards
Block Development	Blocks over 500 feet should feature midblock connections shall as pedestrian pathways or alleys. Block sizes should range between 330 and 660 linear feet where feasible
Mid-Block Pathways	Mid-block pathways shall be no less than 16 feet wide
Buildings shall be oriented such that frontages and entrances are visible and accessible from the public right-of-way, pedestrian connections, parks, or plazas	Buildings shall be oriented such that frontages and entrances are visible and accessible from the public right-of-way, pedestrian connections, parks, or plazas
Density - Dwelling Units (Du)/Acre ^{*1}	NA (with or without affordable housing)
Minimum Site Area	As determined through area plan if required or site plan review
Minimum site width, in feet	As determined through area plan if required or site plan review
Minimum site depth, in feet	As determined through area plan if required or site plan review
Front building setback, in feet (after dedications for right-of-way) ground floor use	0—10
Side street building setback area, in feet (after dedications for right-of-way)	0—10
Interior side yard setback in feet	0—10
Rear yard setback in feet	10
Lot coverage, maximum	Pending landscape and open space requirements
Building height, in feet, maximum	None
Floor Area Ratio (FAR)	NA
Minimum Dwelling Size	*See note below
Minimum distance between buildings in feet (between residential and commercial uses)	10
Parking (surface) front street setback, in feet (after dedications for right-of-way)	10
Parking (surface) side street setback, in feet (after dedications for right-of-way)	5
Garage/Tuck-Under Parking	Prohibited along front lot lines
Underground/Podium Parking	Allowed beneath building footprints
Above Ground Parking Structure	Allowed if screened from views from public right-of-way and adjacent single family residential zones
Setback Landscaping	All setbacks exclusive of required walkways and driveways will be landscaped planting areas
Publicly Accessible Open Space (nonresidential)	15% of net lot area
Private Open Space (multifamily residential) ²	150 sq ft per unit on 1st floor, and 100 sq ft per unit on upper floors
Common Open Space (multifamily residential) ²	300 sq ft per unit

Attachment: Ordinance No. 994 - Title 9 [Revision 2] (6064 : Winter 22 Omnibus Second Reading)

Exhibit E

Requirement	Development Standards
Ground floor building frontages clear glazing material	60%
Ground floor-to-ceiling minimum height in feet	15—20
<p>Notes:</p> <ol style="list-style-type: none">1. Minimum Dwelling Unit Sizes.<ol style="list-style-type: none">a. Studio and One Bedroom: four hundred fifty (450) square feet;b. Two Bedroom: eight hundred (800) square feet;c. Three Bedroom: one thousand (1,000) square feet.2. The Planning Commission may modify minimum open space requirements.	

Attachment: Ordinance No. 994 - Title 9 [Revision 2] (6064 : Winter 22 Omnibus Second Reading)

Exhibit F

9.08.070 Fences and walls.

- A. General Provisions.
1. No fence or wall shall be placed in a manner that would deter the fire department from immediately discerning and gaining access to any fire hydrant or other fire protection device. Fences and walls shall be located to maintain a minimum of three feet of clearance around the circumference of any fire hydrant.
 2. No fence or wall shall be placed within a city right-of-way without approval of an encroachment permit by the city engineer for such fence or wall.
 3. Nothing in this section shall be construed to supersede more restrictive provisions of Chapter 8.21 of the municipal code (Grading Regulations), the International Building Code or the International Fire Code.
 4. An open fence or wall, as used in this section, means any fence or wall for which at least seventy-five (75) percent of that portion which is above three feet in height consists of openings that provide visibility and allow the passage of light and air. All other fences and walls are considered solid.
 5. All fences and walls shall comply with the sight distance requirements for traffic safety in accordance with the California Department of Transportation Highway Design Manual.
 6. Required Walls and Fences along Moreno Valley Freeway (California State Highway 60)
 - a. Development projects adjacent to the Moreno Valley Freeway (California State Highway 60) right-of-way shall construct either a split-face block wall or tubular steel fence along the property line abutting freeway right-of-way.
 - b. The split-face block wall or tubular steel fence shall be eight feet (8') tall measured from the highest adjacent grade (property in question or freeway right-of-way).
 - c. Projects with frontage along City right-of-way abutting the Moreno Valley Freeway (California State Highway 60) right-of-way shall install walls and/or fencing along the limits of the right-of-way. The Public works director or their designee may require a fee in-lieu or may waive this requirement.
 - d. Wall heights may be increased subject to the recommendations of a property specific noise study and concurrence by the Community Development Director or their designee.
- B. Fences and Walls in Residential Developments.
1. In required front yards of residential developments:
 - a. Any solid fence or wall located outside of vehicle lines-of-sight at street intersections shall not exceed three feet in height and any open fence or wall shall not exceed six feet in height. The height of such fences and walls shall be measured from the finished grade at the bottom of the fence or wall;
 - b. Retaining walls up to three feet in height are allowed within any front yard. In the case of a retaining wall that faces the exterior of the property on which it is located, an open fence up to three feet in height may be built directly on top of the retaining wall (See Figure 9.08.070-1). In the case of a retaining wall that faces the interior of the property on which it is located, a solid fence or wall up to three feet in height, or an open fence up to six

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- feet in height, may be built directly on top of the retaining wall (See Figure 9.08.070-2);
- c. Fences and walls located in front yards shall be decorative and made of durable materials, including masonry, wood pickets, tubular metal or other materials, as approved by the community development director.
2. In required side and rear yards of residential developments:
 - a. Height.
 - i. Except as described below, a wall or fence along any side yard or rear yard shall not exceed six feet in height, as measured from the finished grade.
 - ii. The height of a wall or fence along the side or rear yard may exceed six feet if the difference in elevation between adjoining sites warrants such increase to maintain the effectiveness of screening that is generally provided by six-foot walls and fences, provided that the height of such wall or fence does not exceed eight feet (See Figure 9.08.070-3).
 - iii. The height of a wall or fence along any side or rear yard may exceed six feet if the decision-making body determines that the additional height is needed to mitigate noise impacts or provide screening from adjoining arterial streets, freeways, or nonresidential uses (see Section 9.08.150 of this chapter). Any such wall or fence shall not exceed the height necessary to mitigate noise and screen undesirable views.
 - b. Retaining Walls and Combinations of Retaining Walls and Nonretaining Fences.
 - i. Retaining walls within any side yard or rear yard shall not exceed six feet in height, except where they are located on the boundary between two residential parcels, in which case they shall not exceed three feet in height. The combined height of retaining wall, wall and or fence shall not exceed eight feet of solid surface (See Figure 9.08.070-4).
 - ii. A six-foot high retaining wall may be placed three feet or more from the side or rear property line (See Figure 9.08.070-5).
 - iii. No two retaining walls on a given slope shall be closer to each other than the height of the taller wall, except as described below.
 - iv. In the case of a retaining wall that faces a street or other public viewpoint, a nonretaining fence or nonretaining wall may be erected above (either up-slope or directly on top) such retaining wall if their solid surfaces, when added together, do not exceed eight feet in height, and the combined surface area of solid and open fencing shall not exceed twelve (12) feet in height subject to approval by the community development director. For example, a four-foot decorative metal rail fence may be placed above a two-foot wall and a six-foot retaining wall (See Figure 9.08.070-6).
 - c. Fence and Wall Design.
 - i. Side Yards and Rear Yards Adjacent to Residential Parcels. Fences and walls located between residential parcels shall be constructed of wood, decorative metal rail, decorative block or other durable materials, as approved by the community development director.

Exhibit F

- ii. Side and Rear Yards Adjacent to Streets, Freeways and Other Rights-of-Way. Fences and walls placed between lots and adjoining rights-of-way shall be constructed of decorative metal rail, decorative block or other decorative and durable materials, as approved by the community development director. Where practical, such fences and walls shall incorporate landscaping, earth berms and changes in materials or texture to reduce visible wall height, deter graffiti and add visual interest. Except where the community development director determines that screening is needed, open walls and fences shall be placed at the top of slopes that are six or more feet above any adjoining right-of-way to provide view opportunities and minimize wall height.
 - iii. Side and Rear Yards Adjacent to Open Space Areas. Except where the community development director determines that screening is needed, open walls and fences shall be placed along side and rear yards that are adjacent to open space areas.
 - iv. View Lots. Except where the community development director determines that screening is needed open walls and fences shall be placed along side and rear yards that are fifteen (15) or more feet above the pad height of the adjacent residential lot.
- C. Fences and Walls in Nonresidential Developments.
1. In any required front or street side building setback area, a wall or fence shall not exceed three feet in height, as measured from the road grade nearest the property line.
 2. Walls for the purpose of visual screening and sound attenuation shall be required between nonresidential activities and any adjacent residential use or residentially zoned property, or where more sensitive adjacent land uses exist. The height, placement and design of such walls shall be considered on a site-specific basis considering the need for sound attenuation or visual screening.
 3. Unless otherwise required pursuant to subsection (B)(2) of this section, walls and fences in any required rear or interior side setback area shall not exceed six feet in height.

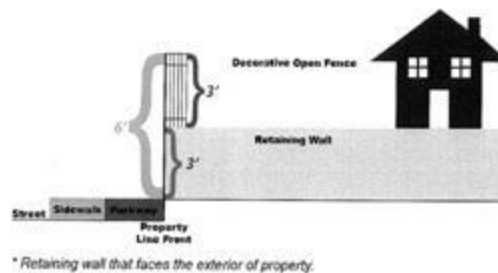
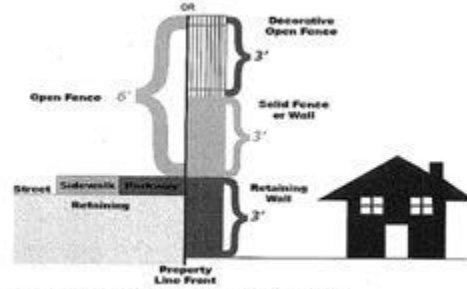


Figure 9.08.070-1

Exhibit F



* Retaining wall that faces the interior of property:

Figure 9.08.070-2

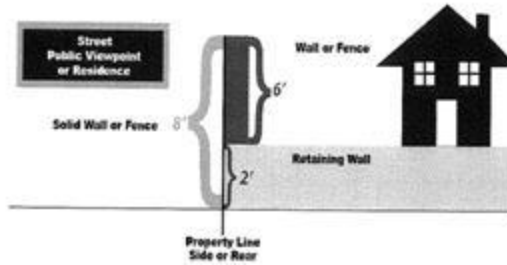


Figure 9.08.070-3

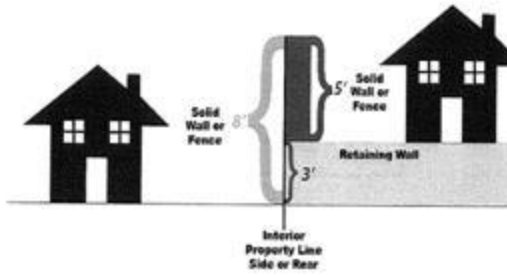


Figure 9.08.070-4

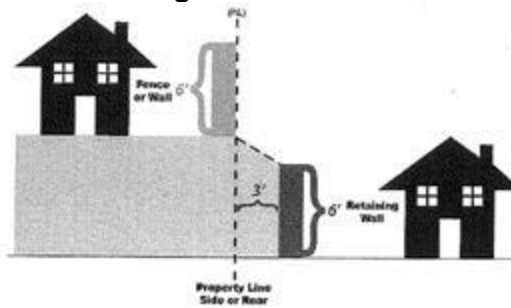


Figure 9.08.070-5

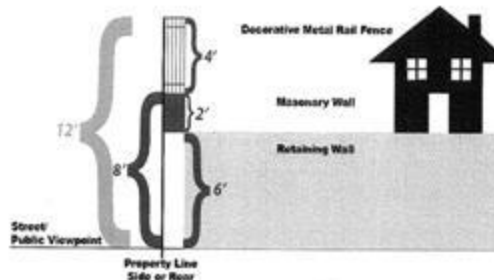


Figure 9.08.070-6

Attachment: Ordinance No. 994 - Title 9 [Revision 2] (6064 : Winter 22 Omnibus Second Reading)

Exhibit G

9.09.080 Drive-in, drive-through, fast food and take-out restaurants.

- A. Purpose and Intent. The purpose of this section is to ensure that drive-in, drive-through, fast food and take-out restaurants do not result in adverse impacts on surrounding neighborhoods by reason of customer and employee parking demand, traffic generation, noise, light, litter, or cumulative impact of such demands in one area, consistent with the goals, objectives and policies of the general plan.
- B. Applicability. Drive-in, drive-through, fast food, or take-out restaurants may be permitted subject to the standards of the underlying district and special conditions listed below. The provisions of this section shall apply to all drive-in, drive-through, fast food and take-out restaurants constructed or the use of which commenced after the effective date of this title and to any expansion of more than twenty (20) percent of the gross floor area or increase of more than twenty-five (25) percent of the number of seats in any such restaurant in use prior to the effective date of this title. Floor area added for the purpose of compliance with state or local health laws or access requirements of the disabled shall not be included in floor area calculations for purposes of determining applicability of this section.
- C. Minimum Development Standards. The following minimum development standards shall apply to all drive-in, drive-through, fast food and take-out restaurants.
1. Hours of Operation. When located on a site adjacent to, or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast food or take-out restaurant shall not open prior to six a.m., nor remain open after ten p.m. unless extended hours are specifically approved by the planning commission.
 2. Driveways. Drive-in and drive-through restaurants sites shall have two points of ingress and/or egress.
 3. Queuing. Drive-up and drive-through restaurants shall have a capacity for queuing a minimum of eight vehicles awaiting service. Queuing area shall not interfere with on- or off-site circulation patterns and shall be reviewed and approved by the city traffic engineer prior to issuance of a building permit.
 4. Parking. A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the city traffic engineer prior to approval of a conditional use permit.
 5. Trash Receptacle. A minimum of one outdoor trash receptacle shall be provided on-site. At least one additional on-site outdoor trash receptacle shall be provided for every ten (10) required parking spaces.
 6. Noise. Any drive-up or drive-through speaker system shall not be detectable above ambient noise levels beyond the property boundaries. The system shall incorporate best available technology to compensate for ambient noise levels.

Exhibit H

9.11.040 Off-street parking requirements.

- A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:

**Table 9.11.040A-12
Off-Street Parking Requirements**

Residential Uses	Requirement	Covered Parking	Notes
Single-family	2/unit	Within an enclosed garage	
Accessory dwelling unit	1/bedroom		The accessory dwelling unit shall provide a minimum of one parking space per bedroom in addition to the parking required for the main dwelling, except as exempted by state law (refer to Section 9.09.130 Accessory dwelling units). Spaces may be provided as uncovered and/or tandem parking on a driveway.
Duplex ¹	2/unit	Within an enclosed garage	
3 or more units: ¹ Studio 1 bedroom 2 bedrooms 3+ bedrooms	1.25/unit 1.5/unit 2.0/unit 2.5/unit	1 covered/unit 1 covered/unit 1 covered/unit 2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Senior housing: ¹ Studio 1 bedroom + bedrooms	1.0/unit 1.25/unit 1.5/unit	1 covered/unit 1 covered/unit 1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.
Residential care homes ¹	Parking requirements shall be determined by the community development director subject to an approved parking study.		
Live-work units (residential component)	2/unit	2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is NOT included in the minimum required parking standard and can be shared with the business aspect of the "live-work" parking standard.

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Residential Uses	Requirement	Covered Parking	Notes
Residential component of mixed-use project ¹	See multiple-family requirements in this table	See multiple-family requirements in this table	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard and may be shared with the nonresidential component. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
General Note:			
1. Required Parking for tenants and guests shall not be rented separately from dwelling units.			

**Table 9.11.040B-12
Off-Street Parking Requirements**

Commercial Uses	Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public. 2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like).
Automobile washing and waxing establishments: Self-serve Automated	2 spaces + 2/washing stall 10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand-alone use. No additional parking required if outdoor dining area comprises no more than 15% of the interior gross floor area of the primary food service use; if outdoor dining area is over 15%, 1 space for every 60 sq. ft. or 1 space for every 3 seats, whichever is greater.
Eating and drinking establishments within shopping centers of 25,000 sq. ft. of building area or greater	1/225 sq. ft. of gross floor area up to 15% of the shopping center gross building square footage	
Hotel/motel	1/guest room	

Exhibit H

Commercial Uses	Requirement	Notes
Kennels	2 spaces/1,000 sq. ft.	2 spaces/1,000 sq. ft. of indoor animal enclosure.
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space/2 work stations	
Schools, private: Business and trade College Elementary/junior high Senior high	10 spaces + 24/classroom 10 spaces + 30/classroom 10 spaces + 2/classroom 10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum.
Medical and health services: Convalescent and nursing homes Homeless shelter Hospitals Residential care facilities	1/3 beds 1/4 beds 1/bed see Residential Uses, Section 9.11.040 Table 9.11.040A-12	
Recreation: Arcades Bowling and billiards Commercial stables Golf course Golf driving range Golf, miniature Health club Parks—public and private Skating rink Tennis, handball and racquetball facilities	1/75 sq. ft. of gross floor area 5/alley + 2/billiard table 1/5 horse capacity for boarding on-site 6/hole 1/tee 3/hole 1/100 sq. ft. of gross floor area To be determined by the approval authority based upon an approved parking study. 1/100 sq. ft. of gross floor area 3/court	
Theaters	1/3 fixed seats	

**Table 9.11.040C-12
Off-Street Parking Requirements**

Industrial Uses	Requirement	Notes
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to the loading parking stall already provided at the dock door.
Research and development	1/350 sq. ft. of gross floor area	
Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	

**Table 9.11.040D-12
Off-Street Parking Requirements**

Exhibit H

Public and Quasi-Public Uses	Requirement	Notes
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.
2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.
3. Accessible parking spaces for other uses shall be provided at the following rates:

No. of Automobile Spaces Provided	No. of Accessible Spaces Provided
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

Exhibit H

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.
 6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
 7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.
 8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.
 9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.
 10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein.
- C. Low Emitting Fuel Efficient Carpool/Vanpool Vehicle Parking. Eight percent of required parking shall be designated for any combination of low-emitting, fuel efficient and carpool/vanpool vehicles for all new nonresidential development.
- D. Parking requirements for religious institution affiliated housing development projects (RIAHD).
1. Notwithstanding any provisions of this Title or any adopted specific plan to the contrary, the parking requirements for a religious institution affiliated housing development project are subject to the provisions of Government Code section 65913.6, as amended.
 2. Religious institution affiliated housing development project” (RIAHD) is defined as a housing development project that meets all of the following requirements:
 - a. The housing development project is located on one or more contiguous parcels that are each owned, entirely, whether directly or through a wholly owned company or corporation, by a religious institution.
 - b. The housing development project qualifies as being near collocated religious-use parking by being on or adjacent to a parcel with religious-use parking or by being located within one-tenth of a mile of a parcel that contains religious-use parking.
 - c. Qualifies for a density bonus under Government Code section 65915.
 3. Allows up to 50 percent elimination of total religious-use parking spaces available for a

Exhibit H

- Religious Institution Affiliated Housing Development project.
4. No replacement requirement of religious-use parking spaces for a Religious Institution Affiliated Housing Development project proposes to eliminate, provided the reduction does not exceed 50 percent.
 5. Allows the remaining religious-use parking spaces to count toward number of parking spaces required for the Religious Institution Affiliated Housing Development project.
 6. Prohibits the reduction in parking spaces from reducing the minimum parking standards below one space per unit unless the Religious Institution Affiliated Housing Development project is within one-half mile of a high-quality transit corridor or a major transit stop, or a car share vehicle within one block of parcel.
 - a. High-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
 - b. Major transit stop includes existing rail or bus rapid transit station, ferry terminal served by either bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - c. Car sharing means a model of vehicle rental where users can rent vehicles for short periods of time and users are members that have been preapproved to drive.

Exhibit I

9.14.065 Finance and conveyance maps.

- A. Purpose and Intent.
1. The purpose of this chapter is to set forth the process for financing and/or conveyance for sites, which already have an approved tentative parcel and/or tract map. It is not the intent of the finance and/or conveyance map to create any legal building site(s) as a future map, or parcel map, shall be processed in order for any development to occur.
 1. This criteria shall govern the filing and processing of tentative maps for finance and/or conveyance purposes. Applications for finance and/or conveyance maps (collectively referred to as “financing maps”) may only be accepted under one of the following criteria:
 - a. The site to be subdivided by the map is already developed, and the proposed map will not create legal building sites upon which new development may occur; or
 - b. A future map for development purposes must be processed and recorded in order for any development on the site to occur, and this fact is clearly stated on the face of the map; or
 - c. An approved conditional use permit, master plan, or master Plot Plan is approved for the site, has not expired, and all conditions of approval, expected exactions, and mitigation measures associated with the underlying approval(s) shall be implemented as previously prescribed, or as properly modified, for any development on the property to occur.
- B. Definition.
1. As follows is the City’s definition of a “finance and conveyance map”: it’s a map used to parcelize undivided undeveloped land, existing parcel maps, and/or existing tract maps for non-buildable reasons.
- C. Filing Instructions. Finance and/or conveyance maps are filed with the Community Development Department, 14177 Frederick Street, Moreno Valley, California, 92552. Application forms are available at the community development department or may be obtained on-line at www.moval.org, or by contacting the planning division at (951) 413-3206.
- D. Submittal Requirements. The form, content and supplementary information that must accompany a finance and conveyance map shall conform to the submittal requirements for tentative maps set forth in Section 9.14.040 of this code except as hereafter provided.
1. Notwithstanding the requirements set forth in Section 9.14.040, the director of community development or designee may waive the following requirements in writing if requested in advance by the applicant:
 - a. Internal streets and access ways within the boundary of the map (with concurrence of the city engineer);
 - b. Dimensions and location of sidewalks and common areas;
 - c. Soils and geology report;
 - d. Regional housing needs statement; and/or
 - e. Other submittal requirements set forth in Chapter 9.14, Land Divisions, or the Subdivision Map Act, provided, the city engineer determines in advance, that the proposed map continues to comply with the spirit and intent of the Subdivision Map Act, the Subdivision Ordinance, and these subdivision regulations.
 2. The following statement must be clearly printed on the face of the proposed financing map: “FOR FINANCE AND CONVEYANCE PURPOSES ONLY.”

Exhibit I

3. If a future map is required for any development, the face of the map must include the following additional statement: “THIS MAP DOES **NOT** CREATE A LEGAL BUILDING SITE. FURTHER APPLICATIONS ARE NECESSARY TO DEVELOP THIS PROPERTY.”
 4. If a previously approved tentative map, vesting tentative map, or conditional use permit is in place on the property, the face of the map must include the following additional statement in addition to the statement required in subsection (C)(2): “THIS MAP DOES NOT REMOVE ANY DEVELOPMENT REQUIREMENTS SET FORTH WITH APPROVAL OF {insert case number(s)}, WHICH MUST BE SATISFIED WITH CONTINUED DEVELOPMENT OF THE PROPERTY.”
- E. Review Procedure. Except as otherwise noted herein, finance maps shall be processed in the same manner and shall be subject to the same requirements as specified for tentative maps in Section 9.14.050 of the municipal code. The community development department will distribute copies of the financing map to the appropriate reviewing bodies to determine whether the map conforms to the requirements of this chapter, and the Subdivision Map Act. These reviewing bodies are set forth in Section 9.14.050(C) of this chapter.
- F. Approval Process.
1. Criteria. The advisory agency reviewing authority shall base its decision to approve, conditionally approve, or disapprove the proposed financing map on the information required under this chapter, and any additional information reasonably necessary to determine that the property covered by the map can be feasibly developed under the existing zoning and general plan designations for the site. At a minimum, the advisory agency/reviewing authority must ensure the following:
 - a. The parcel (or parcels) of land covered by the map meet the minimum size requirements to ensure that future development can meet all applicable site development standards imposed by Title 9 of the municipal code.
 - b. The parcel (or parcels) of land have access from a public road, or access is both feasible and required by a condition of approval for the proposed map.
 - c. The parcel lines do not conflict with any public easements.
 - d. There are not physical constraints or other issues which may affect the feasibility of future development on the site (e.g., vehicular access, utility service extensions). If necessary in order to adequately evaluate the map, additional technical studies (e.g., access study) should be required prior to finding the application complete.
 - e. The map provides sufficient information on future uses and feasibility of future uses to ensure consistency with the general plan and zoning designations for the site.
 - f. The site is suitable for the future permitted or proposed uses.
 - g. The map provides sufficient information on the subdivision design and future improvements to evaluate its potential impact on the environment in compliance with the California Environmental Quality Act.
 - h. There is sufficient information on the subdivision design and future improvements to enable the city to determine whether the map complies with applicable water quality standards, particularly with respect to future discharge of waste into the sewer system.
 2. Findings. A tentative map for finance and conveyance purposes shall be approved or conditionally approved only if the advisory agency can make the following findings:

Exhibit I

- a. That the proposed map is consistent with applicable general and specific plans and the zoning ordinance.
 - b. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - c. That the site is physically suitable for the type of development.
 - d. That the site is physically suitable for the proposed density of development.
 - e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.
 - g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
 - h. That the requirements of the California Environmental Quality Act have been satisfied.
- G. **Mandatory Conditions of Approval.** In addition to the standard subdivision conditions of approval applied to all maps for development purposes, the following shall apply to all financing maps:
- 1. Any submittal requirements which were waived in connection with the financing map in accordance with subsection (C)(1) shall be submitted concurrently with the first discretionary application for development of the property covered by the map (i.e., with an application for a future map, a conditional use permit, or master plan), or shall be submitted as prescribed by conditions of approval already in place with underlying entitlement approvals that govern continued or subsequent development of the property as described on the face of the map per subsection (C)(4).
 - 2. This map is approved for finance and land conveyance purposes only. No applications for building or grading permits shall be accepted for the parcel or parcels created by this map until a (future map/conditional use permit/master plan) for development has been approved by the city, or as prescribed by conditions of approval already in place with underlying entitlement approval that govern continued or subsequent development of the property as described on the face of the map per subsection (C)(4).

Exhibit J

9.14.090 Final land division maps.

- A. General. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a final map thereof prepared in accordance with the current city standards and the approved or conditionally approved tentative map.
- B. Subdivision Boundary Plat Requirements.
1. Surveys made in preparation of final land division maps shall be in accordance with standard practices and principles of surveying and all applicable provisions of the Subdivision Map Act.
 2. Before the final map of a subdivision will be accepted by the city engineer for checking, the land divider shall submit and obtain approval by the city engineer of a map showing:
 - a. A boundary survey of the land division, including all courses and distances necessary to compute a closure;
 - b. Sufficient data to prove the method by which the boundary was determined, including a description of all corners found or set, adjoining maps or property lines of record.
 3. The city engineer may waive the boundary plat if sufficient survey information is of record.
 4. Whenever the city engineer has established the centerline of a street, that data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated. The final map shall show city and county boundaries adjoining the division of land.
- C. Preliminary Filing of Final Subdivision Map.
1. When a boundary survey map is approved or waived by the city engineer, the subdivider may then file his final map for preliminary checking in the office of the city engineer. The quantity of the number of positive prints shall be determined by the city engineer.
 2. The final map shall be accompanied by the following:
 - a. Map checking fee, as set by the city council;
 - b. Any additional data, as determined by the city engineer.
 3. Proposed improvement plans shall be submitted and accompanied with the plan checking fee, as set by the city council.
 4. Prior to the recordation of the final map, the following items shall be provided and approved:
 - a. A copy of the approved conditions, covenants and restrictions (CC&Rs) that are to be recorded with the final map;
 - b. Evidence of title in the form of a current preliminary title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on a final land division map, a subdivision guarantee shall be issued by a California title company. The consent of the owner or owners of any contingent reversionary interest in the lands to be subdivided is not necessary and need not be named in the guarantee of title;
 - c. All requests for waivers of signatures as provided in the Subdivision Map Act;

Exhibit J

- d. Utility Plans.
 - i. An original and three positive prints of each map showing the proposed water distribution and sewage collection systems, signed by a registered civil engineer and the water and sewer purveyors. Each system shall comply with all applicable state and county and city regulations. The city fire prevention officer shall also sign the water plans when conditions include fire protection, and
 - ii. Letters from other utility purveyors that will serve the land division certifying that satisfactory provisions have been made with each of the public utility purveyors as to location of their facilities and construction thereof.

- D. Preliminary Filing of Final Parcel Map. After a tentative parcel map is approved, the land divider may cause a final parcel map to be prepared and submitted to the city engineer. The land divider shall submit the following:
 - 1. A number of positive prints of the final parcel map, as determined by the city engineer with plan checking fee, as set by the city council;
 - 2. All required improvement plans with plan checking fee, as set by the city council; and
 - 3. Evidence of title in the form of a current preliminary title report issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests herein. In the event that any dedication is to be made for public use of any property shown on a final parcel map, a subdivision guarantee shall be issued by a California title company.

- E. Data Required—Final Land Division Maps.
 - 1. Final subdivision and parcel maps shall conform to all of the following provisions:
 - a. Each map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or good quality polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque material when recommended by the city engineer and authorized by the county recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch;
 - b. Each map, including each sheet of a multisheet map shall bear the number as assigned by the Riverside County road department or other proper official which shall be followed by a subtitle consisting of a general description of all the property being divided by reference to record maps, and to section surveys or ranchos. Reference shall be spelled out and worded identically with original records, with complete reference to proper book and page of record;
 - c. All sheets shall be numbered, the relation of one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet. An adequate number of sheets shall be submitted to clearly present all pertinent data;
 - d. A location map shall be placed on the final map which indicates the location of the proposed land division and its relationship to existing streets and highways;

Exhibit J

- e. The certificates and acknowledgements, required by the Subdivision Map Act and this title, shall appear on the first sheet only. "Certificates" shall include the following:
- i. Owner's certificate,
 - ii. Trustee's certificate,
 - iii. Recorder's certificate,
 - iv. Surveyor's/engineer's certificate,
 - v. City engineer's certificate,
 - vi. City clerk's certificate,
 - vii. Tax collector's certificate,
 - viii. Tax bond certificate (as appropriate).
- The first sheet shall also include: (1) signature omissions (relating to oil, gas or mineral rights) and (2) notice of election by land divider to defer payment of drainage fees. If needed, the second map sheet may be used for notary acknowledgements. In no case shall the certificates noted above be placed on the second sheet of a multisheet map;
- f. The recorder's certificate shall be placed in the upper right-hand corner of the map or in the upper right-hand corner of the first sheet only of multisheet maps;
- g. The surveyor's or engineer's certificate shall state that the survey was made by him or under his direction, that the survey is true and complete as shown, that all monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced, that the map conforms to the approved tentative map and conditions of approval thereof, and that all provisions of the applicable state and local ordinances have been complied with;
- h. The number, scale, north point and sheet number shall be shown on each sheet of the map. The map shall be drawn at a suitable engineer's scale to identify and describe all essential details clearly. If more than two map sheets are used, an index showing the division of land, with lots numbered as shown on the map, shall be shown. A complete boundary survey shall be shown on one sheet of every phase of a unitized subdivision. Such boundary shall also reflect the original boundary as shown on the tentative map of the subdivision;
- i. A land division name shall not be shown on the map;
- j. The exterior boundary of the land shown on a land division map shall be indicated by a distinctive delineation and clearly designated;
- k. A statement labeled surveyor's notes or engineer's notes shall be shown on the first map sheet after the signature sheet of a multisheet map. The statement shall include the basis of bearings; the monuments that were found; the monuments and points that were set, with reference to city standards; and a key to the symbols and abbreviations and such other information required by the city engineer;
- l. Lots shall be numbered consecutively, commencing with the number "1," with no omissions or duplications. Each lot shall be shown in its entirety on one sheet. Lots used for streets, alleys or barrier strips shall be lettered. Easements shall be clearly identified; and
- m. Where a part-width street is shown on a map, the centerline of the improvements shall be monumented and shown correctly, as related to the full future width of the street.

Exhibit J

2. The following data shall be shown on each final subdivision and parcel map:
- a. Dates of survey and the name and registration number of the person authorized to practice land surveying by the state of California and who is responsible for the preparation of the map;
 - b. Locations and names (without abbreviations) of all adjoining, existing and proposed streets and the location of alleys. Proposed public area and easements shall also be identified;
 - c. Gross area of land division, and the net acreage, computed to the nearest .01 acres, on all lots containing one acre or more. Lot lines shall be shown by solid lines;
 - d. Centerlines of all streets and lengths, tangent, radius and central angle or radial bearings on all points on curves and the bearings of radial lines to each lot corner on a curve; the width of each street, the width of the portion being dedicated and the width of existing dedications; and the widths of right-of-way of railroads, flood control or drainage channels and other easements appearing on the map;
 - e. Sufficient data to determine readily the bearing and length of each line. Recorded survey data as required by the city engineer;
 - f. Sufficient primary survey control points;
 - g. Ties to and recording references to adjacent record maps and to section corners, quarter section corners and also to section lines and quarter section lines when adjacent or within the map;
 - h. Centerline data and width of all easements to which the division of land is subject. If the easements are not definitely located by record, a statement as to the easement shall appear on the title sheet of the land division. Distances and bearings on the side lines of lots which are cut by an easement shall be so shown as to indicate clearly the actual location. Alignment data alongside lot lines of easements shall be provided when not controlled by paralleling lines or centerline. The easement shall be clearly labeled and identified and, if already on record, proper reference to the records given. Easements dedicated in land divisions shall be included in the owner's certificate of dedication. Easements shall be shown on the map by broken lines;
 - i. Clear indication of stakes, monuments or other evidence found on the ground to determine the boundaries of the tract, data to determine physical description, size, ground position, tag number and record reference of survey markers; untagged monuments accepted as control shall be tagged or replaced by the surveyor or engineer making the survey;
 - j. No setback lines shall appear on the final map;
 - k. New street names shown on a land division map must be approved by the city engineer;
 - l. When an environmental constraint sheet is required, a note shall be placed below the surveyor's notes on the final map in one-fourth inch high bold block letters, stating:
ENVIRONMENTAL CONSTRAINT NOTE: Environmental constraint sheet affecting this map is on file in the Office of the City Engineer. This affects Lot Nos. _____ or Parcel No. _____.
 and
 - m. The basis of bearings must be between two found monuments of one record map survey plat or right-of-way map on file and approved by the county surveyor or the city engineer. Replacement monuments may be

Exhibit J

used if the position of the original monuments have been preserved by cross-ties or swing ties acceptable to the city engineer. The bearing and distance of the reference line shall be shown on the map and if the distance is also of record it shall be so stated. If a basis of bearing is not available from a record map then a basis will be, as determined by the city engineer.

- F. Parcel Maps Compiled from Recorded Data. A parcel map of four or less parcels may be compiled from recorded or filed data, if such data is acceptable to the city engineer.
- G. Filing of Final Land Division Maps.
1. After the preliminary final land division map is determined to be correct, the city engineer shall notify the land divider to prepare and submit the original and duplicate original of the final map together with all required agreements for improvements and securities and all other required documents as may be necessary for consideration of the final map. If the final land division map or documents are not determined complete by the city engineer, they shall be returned to the land divider for corrections.
 2. The original and duplicate original map shall be inscribed on polyester base film, including the required signatures, and shall meet the requirement of the city engineer.
- H. Action by the City Engineer.
1. When a Schedule "A," "B," "C," or "D" final tract map and all agreements, securities and other required documents have been submitted and found to be in correct form, the city engineer shall, within twenty (20) days thereafter, file the final map and documents with the city clerk and certify that:
 - a. He has examined the map;
 - b. The land division as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof;
 - c. All provisions of the Subdivision Map Act and all city ordinances applicable at the time of approval of the tentative map have been complied with;
 - d. He is satisfied that the map is technically correct; and
 - e. In the certificate, the city engineer shall state the date of approval of the tentative map and the date of expiration.
 2. When a Schedule "E," "F", "G", "H", or "I" final parcel map and all agreements, securities and other required documents have been submitted and found to be in correct form, the City Engineer shall, within 20 days thereafter, approve the map if it conforms to all the requirements of the Subdivision Map Act and this ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or, if it does not so conform, disapprove the map; provided, however, that the final map shall not be disapproved due to technical or inadvertent errors which in the opinion of the City Engineer do not materially affect the validity of the map. When the map is approved, the City Engineer may accept or reject dedications and offers of dedication that are made by certificate on such map, and may sign the certificate for the City. The City Engineer shall file the approved map and documents with the City Clerk.
- I. Action by the City Council. The city council, upon filing of a Schedule "A," "B," "C," or "D" map, shall at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of the Subdivision Map Act and this title applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder, or if it does not so conform, disapprove the map; provided, however, that the final map shall not be disapproved due to technical or inadvertent errors which in the opinion of the city engineer do not materially affect the validity of the map.

Exhibit J

- J. Surveys and Monuments.
1. At the time of making the survey for a final land division map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code and also comply with city standards.
 2. All monuments for final land division maps containing five or more lots, and all Schedule "E" maps regardless of the amount of lots shown on the map, shall be set prior to the recordation of the map unless the land divider executes a secured agreement guaranteeing the setting of the monuments.
 3. All monuments for final land division maps containing four or less lots, except Schedule "E" maps, shall be set prior to the recordation of the map.
- K. Delivery of Final Map to the Recorder.
1. Upon approval by the city council, the city clerk shall certify that all required certificates, security and deposits have been filed and shall transmit the final map to the recorder.
 2. The land developer shall present to the recorder evidence that, at the time of the filing of a final map, the parties consenting to the filing are all of the parties having a record title interest in the real property being divided whose signatures are required, as shown by the records in the office of the recorder; otherwise, the map shall not be filed.
 3. The recorder shall have not more than ten (10) days within which to examine the final land division map and either accept or reject it for filing.
 4. If the recorder accepts the map for filing, such acceptance shall be certified on the face thereof.
 5. The recorder, upon filing the final subdivision map or parcel map, shall attach the recording data to the polyester type film duplicate original and thereupon deliver the same to the city engineer who shall retain custody thereof.
- L. Waived Maps.
1. The waiver of a final map shall only be approved by the city engineer based on the required findings pursuant to Section 66428(b) of the Subdivision Map Act. To allow a waiver, the city engineer shall first determine that the proposed division of land complies with city requirements with respect to area, improvements and design, floodwaters and drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or city ordinances.
 2. The requirement for a tentative parcel map may be waived by the community development director if it is determined by the city engineer that the land division meets the requirements herein for approval of a waiver of the final parcel map and a request for waiver of the tentative parcel map accompanies the request for waiver of the final parcel map.
 3. When a final parcel map has been waived, the city engineer shall distribute copies of the certificate of compliance and waiver of the parcel map to the community development department and file a certificate of compliance with the recorder's office upon payment of the fee set per the city council.
- M. Certificate of Correction of Final Maps. After a final map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by a certificate of correction.
1. Application. The land divider may apply for a certificate of correction upon finding that one or more of the following conditions apply:
 - a. To correct an error in any course or distance shown thereon;
 - b. To show any course or distance that was omitted therefrom;

Exhibit J

- c. To correct an error in the description of the real property shown on the map;
 - d. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
 - e. To show the proper location or character of any monument which has been changed in location or character and originally was shown at the wrong location or incorrectly as to its character; or
 - f. To correct any other type of map error or omission as approved by the city engineer which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps. As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.
2. The application for a certificate of correction shall be made to the city engineer upon payment of fees set by the city council and on the forms provided by the city engineer and shall include such information, as required by the city engineer in addition to the following:
 - a. The certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor and shall show in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission.
 3. Recordation of Certificate of Correction. Once the certificate of correction has been certified by the city engineer, the certificate of correction shall be filed in the office of the county recorder in which the original map was filed. Upon such filing, the county recorder shall index the names of the fee owners and the appropriate tract designation shown on the amended map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to give notice of all such corrections in the same manner as though set forth upon the original map.
- N. Amendment of Final Maps.
1. In addition to the amendments authorized by subsection M of this section, after a final map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by an amendment of final map.
 2. Application. The land divider may apply for an amendment of final map on the forms provided by the city engineer upon payment of fees as set by the city council and shall include such information, as required by the city engineer.
 3. No amendment of final map shall be approved unless it complies with the following standards:
 - a. There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary;
 - b. The modifications do not impose any additional burden on the present fee owner of the property;
 - c. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 - d. The city engineer finds that the map, as modified, conforms to the provisions of Section 9.14.080 of this chapter.
 4. Notice of Hearing. The city engineer shall set the matter for public hearing in accordance with Section 9.02.200 of this title. The hearing shall be confined to consideration of and action on the proposed modification.

Exhibit J

5. Recordation of Amendment of Final Map. When the changes to a final map are in conformance with the standards, the city engineer shall certify to this fact on the amended map.

ORDINANCE NO. 995

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DELETING SECTION 3.32.050 (STATUTORY PUBLIC MEETING) FROM CHAPTER 3.32 (FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM) OF TITLE 3 (REVENUE AND FINANCE), AND AMENDING SECTION 8.12.170 (STANDARDS OF CONSTRUCTION) WITHIN CHAPTER 8.12 (FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)) OF TITLE 8 (BUILDINGS AND CONSTRUCTION) OF THE MORENO VALLEY MUNICIPAL CODE

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

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, morals and/or safety; and

WHEREAS, staff has recommended that the City Council delete Section 3.32.050 in its entirety; and

WHEREAS, staff has recommended that the City Council adopt amendments to Title 8, which include revising certain provisions of Chapter 8.12 Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP) referred to herein as "PEN22-0232"; and

WHEREAS, staff has determined that PEN22-0232 is consistent with the MOVAL 2040 General Plan and its goals, objectives, policies, and programs, and with any applicable specific plan; and

WHEREAS, staff has further determined that PEN22-0232 will not adversely affect the public health, safety or general welfare; and

WHEREAS, staff has also determined that PEN22-0232 is consistent with the purposes and intent of Titles 3 and 8; and

WHEREAS, staff has determined that PEN22-0232 Amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

That the above recitals are true and correct and are incorporated herein as though set forth at length herein.

Section 2. AUTHORITY

That this Ordinance is adopted pursuant to the authority granted by Article XI, Section 7 of the Constitution of the State of California and California Government Code Section 37100, and it is not intended to be duplicative of state law, or be preempted by state legislation.

Section 3. AMENDMENT TO SECTION 3.32.050 (STATUTORY PUBLIC MEETING)

That Section 3.32.050 (Statutory Public Meeting) is hereby deleted in its entirety, as set forth in Exhibit A.

Section 4. AMENDMENT TO 8.12.170 STANDARDS OF CONSTRUCTION

Section 8.12.170 Standards of Construction of Chapter 8.12 (Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP)) of Title 8 (Buildings and Construction) is hereby amended as set forth in Exhibit B.

Section 5. CEQA COMPLIANCE

That PEN22-0232 Amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

Section 6. FINDINGS

The ordinance is consistent with the City's 2040 General Plan.

Section 7. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance 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 ordinance as hereby adopted shall remain in full force and effect.

Section 8. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. EFFECTIVE DATE

That this Ordinance shall take effect thirty (30) days after its second reading.

Section 9. CERTIFICATION

That the City Clerk shall certify to the passage and adoption of this Ordinance, enter the same in the book for original ordinances of the City, and make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Ordinance is passed and adopted.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

INTRODUCED at a regular meeting of the City Council on December 20, 2022, and PASSED, APPROVED, and ADOPTED by the City Council on January 3, 2023, by the following vote:

Ulises Cabrera, Mayor
City of Moreno Valley

ATTEST:

Jan Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Attachment: Ordinance No. 995 - Titles 3 and 8 [Revision 1] (6064 : Winter 22 Omnibus Second Reading)

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. YYYY-____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of ____, YYYY, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK _____

(SEAL)

Attachment: Ordinance No. 995 - Titles 3 and 8 [Revision 1] (6064 : Winter 22 Omnibus Second Reading)

Exhibit A

~~3.32.050 Statutory public meeting.~~

~~—Pursuant to California Government Code Sections 66016 and 66018, the city clerk shall cause notice to be provided as set forth in Government Code Section 6062a, and the city council periodically, at least annually, shall receive at a regularly scheduled meeting oral and written presentations concerning fees and charges proposed to be increased or added. Such notice, oral and written presentation, and public meeting shall be completed before the city council approves any new or increased fee or charge. At least one such public hearing shall be held annually in accordance with California Government Code Section 66018 in conjunction with the city annual budget process and hearing. (Ord. 372 § 1.2, 1992)~~

Exhibit B

8.12.170 Standards of construction.

In all areas of special flood hazards the following standards are required:

- A. Anchoring. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:
 1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
 2. Using methods and practices that minimize flood damage;
 3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located pursuant to the adopted California Building Standards Code so as to prevent water from entering or accumulating within the components during conditions of flooding; and
 4. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- C. Elevation and Floodproofing.
 1. Residential Construction. All new construction or substantial improvements of residential structures, shall have the lowest floor, including basement, and all non-flood-resistant building material and all of the structure's support equipment such as, but not limited to, electrical, heating, ventilation ductworks, plumbing, and air conditioning equipment and other service facilities that could be damaged if submerged under water:
 - a. In AE, AH, A1-30 zones, elevated at least one foot above the base flood elevation;
 - b. In an AO zone, elevated at least one foot above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified;
 - c. In A zone, without BFEs specified on the FIRM (unnumbered A zone), elevated at least one foot above the base flood elevation; as determined in Section 8.12.140(C).
Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by a city official to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.
 2. Nonresidential Construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 8.12.170(C)(1) or:
 - a. Be floodproofed, together with attended utility and sanitary facilities, below the elevation recommended under Section 8.12.170(C)(1), so that the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered civil engineer or architect that the standards of Sections 8.12.170(C)(2)(a) and (b) are satisfied. Such certification shall be provided to the floodplain administrator.
 3. Flood Openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:
 - a. For nonengineered openings:

Exhibit B

- i. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above grade;
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
 - iv. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
 - v. Be certified by a registered civil engineer or architect.
 - vi. Manufactured homes. See Section 8.12.200.
 - vii. Garages and low cost accessory structures.
4. Attached Garages.
- a. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 8.12.170(C)(3). Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 8.12.170(B).
 - b. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
5. Detached Garages and Accessory Structures.
- a. "Accessory structures" used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 8.12.050, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - i. Use of the accessory structure must be limited to parking or limited storage;
 - ii. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - iii. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - iv. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - v. The accessory structure must comply with floodplain encroachment provisions in Section 8.12.220; and
 - vi. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 8.12.170(C)(3).
 - b. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 8.12.170.



Report to City Council

TO: Mayor and City Council

FROM: Manuel A. Mancha, Community Development Director

AGENDA DATE: January 3, 2023

TITLE: SECOND READING AND CONSIDERATION OF ADOPTION OF ORDINANCE 993 TO AMEND THE ZONING CLASSIFICATION OF THE 8.77-ACRE PROJECT SITE FROM RESIDENTIAL 5 (R5) DISTRICT TO RESIDENTIAL SINGLE-FAMILY 10 (RS10) DISTRICT FOR THE PROPERTY LOCATED ON THE NORTHEAST CORNER OF OLIVER STREET AND BRODIAEA AVENUE ASSESSOR PARCEL NUMBER 486-240-010

RECOMMENDED ACTION

Recommendation: That the City Council:

Conduct the second reading by title only and adopt Ordinance No. 993.

SUMMARY

This report recommends the adoption of Ordinance No. 993, introduced at the December 20, 2022, City Council meeting approving a Change of Zone (PEN21-0204) to amend the zoning classification of the 8.77-acre Project Site from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District. The Project Site is located on the northeast corner of Oliver Street and Brodiaea Avenue, Assessor Parcel Number 486-240-010 ("Project Site").

DISCUSSION

Based on review and consideration of the application for a Change of Zone submitted by the applicant D.R. Horton Los Angeles Holding Company, Inc., in conjunction with a General Plan Amendment, a Tentative Tract Map, and a Conditional Use Permit, the City Council introduced the ordinance to amend the Zoning Atlas at the December 20, 2022, meeting. The ordinance will change the zoning classification of the 8.77-acre Project Site from Residential 5 (R5) District to Residential Single-Family 10 (RS10)

District. The Project Site is located on the northeast corner of Oliver Street and Brodiaea Avenue, Assessor Parcel Number 486-240-010.

ALTERNATIVES

The City Council may consider the following alternatives:

1. Conduct the second reading by title only and adopt Ordinance No. 993. *Staff recommends this alternative.*
2. Provide revisions to the draft Ordinance and have staff return with the revised draft for another adoption process.
3. Provide alternate direction to staff.

FISCAL IMPACT

There are no fiscal impacts from the recommended action.

NOTIFICATION

The agenda was posted in accordance with the Brown Act.

PREPARATION OF STAFF REPORT

Prepared By:
Kirt Coury
Contract Planner

Department Head Approval:
Manuel A. Mancha
Community Development Director

Concurred By:
Sean P. Kelleher
Planning Official

CITY COUNCIL GOALS

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

ATTACHMENTS

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

- 1. Ordinance No. 993 - Change of Zone

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	12/22/22 3:56 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	12/22/22 4:01 PM

ORDINANCE NO. 993

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING CHANGE OF ZONE (PEN21-0204) TO AMEND THE CITY ZONING ATLAS FROM RESIDENTIAL 5 (R5) DISTRICT TO RESIDENTIAL SINGLE-FAMILY 10 (RS10) DISTRICT, FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF OLIVER STREET AND BRODIAEA AVENUE (APN 486-240-010)

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 D.R. Horton Los Angeles Holding Company, Inc., (“Applicant”) has filed an application for the approval of the Discovery Residential project, which includes the approval of a Change of Zone (PEN21-0204) (“Application”) a request to amend the City’s Zoning Atlas from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District for the property located at the northeast corner of Oliver Street and Brodiaea Avenue (APN 486-240-010) (“Project Site”); and

1.2 At its November 17, 2022, meeting, the Planning Commission considered the Change of Zone for the Discovery Residential project and recommended approval to the City Council; and

1.3 Pursuant to the provisions of the law, a public hearing was held before the City Council on December 20, 2022, for deliberations and decision; and

1.4 The matter was fully discussed, and the public and other agencies were given opportunity to present testimony and documentation; and

1.5 An Initial Study has been prepared for the Project for the purpose of compliance with the California Environmental Quality Act (CEQA). Based on the Initial Study including all supporting technical evidence, it was determined that the project impacts are expected to be less than significant with mitigation, and approval of a Mitigated Negative Declaration is an appropriate environmental determination for the Project.

SECTION 2 EVIDENCE:

That the City Council has considered all of the evidence submitted into the administrative record for Change of Zone (PEN21-0204), including, but not limited to, the following:

- (a) Moreno Valley General Plan and all relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all relevant provisions therein;
- (c) The change the zoning designation of the site from Residential 5 (R5)

Ordinance No. 2023-993
Date Adopted: January 3, 2023

- District to Residential Single-Family 10 (RS10) District, and all other relevant provisions contained therein as shown on Exhibit A;
- (d) Application for the approval of Change of Zone (PEN21-0204) and all documents, records and references contained therein;
 - (e) Staff Report prepared for the City Council'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 comments and/or correspondence from all persons that were provided in written format or correspondence, at, or prior to, the public hearing.

SECTION 3 FINDINGS:

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the City Council hereby finds as follows:

- (a) The proposed amendment is consistent with the existing goals, objectives, policies and programs of the General Plan;
- (b) The proposed amendment will not adversely affect the public health, safety or general welfare; and
- (c) The proposed amendment is consistent with the purposes and intent of Title 9.

SECTION 4 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

4.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 981, on August 3, 2021, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification to page 100 of the Official Zoning Atlas as shown on the attached map marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk.

SECTION 5 EFFECT OF ENACTMENT:

5.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 6 NOTICE OF ADOPTION:

6.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 7 EFFECTIVE DATE:

7.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 3rd day of January, 2023.

CITY OF MORENO VALLEY
CITY COUNCIL

Ulises Cabrera
Mayor of the City of Moreno Valley

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Attachment: Ordinance No. 993 - Change of Zone [Revision 2] (6063 : Second Reading for DR Horton Discovery Project)

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. YYYY-__ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 3rd day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

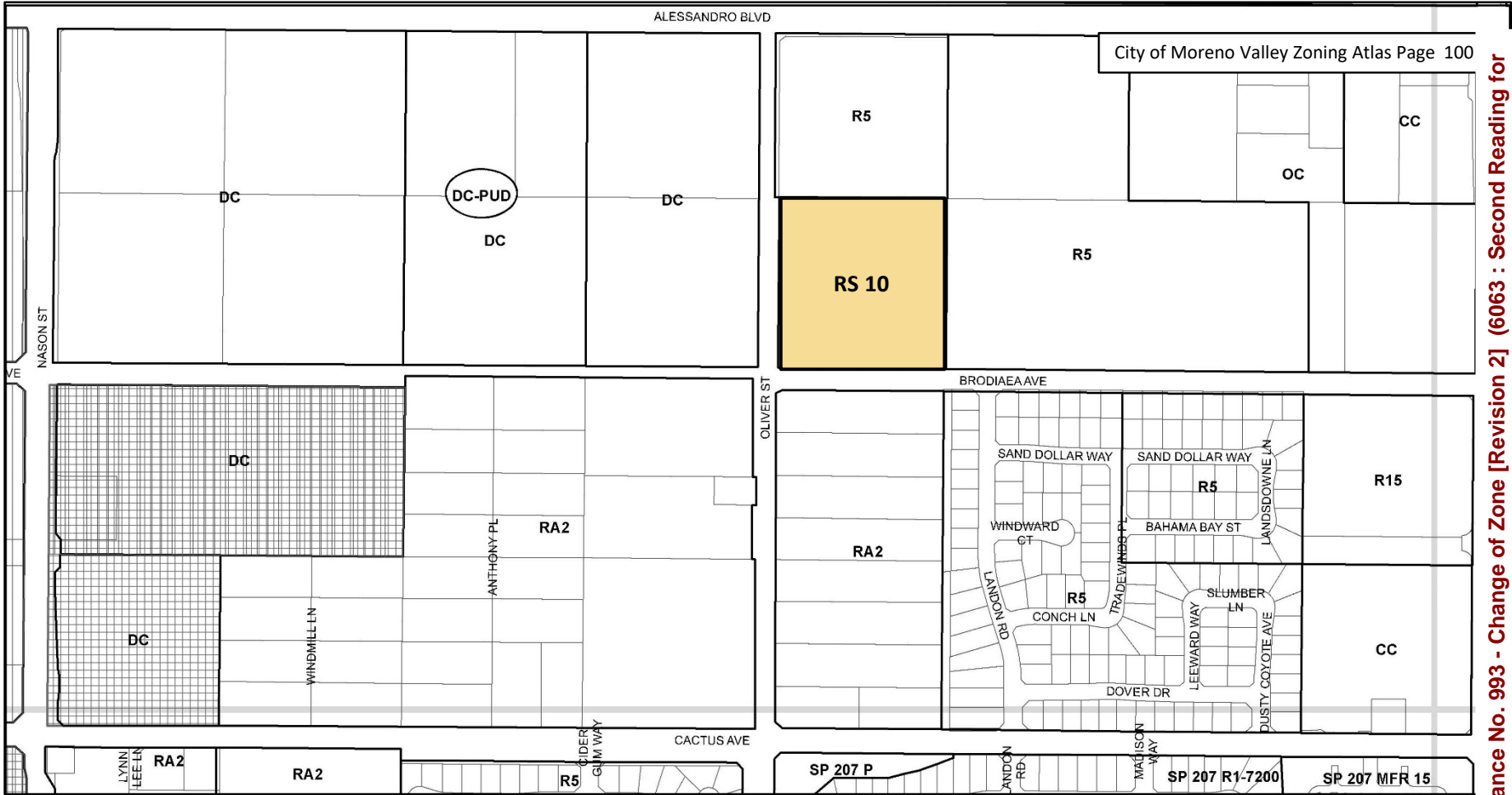
CITY CLERK

(SEAL)

Attachment: Ordinance No. 993 - Change of Zone [Revision 2] (6063 : Second Reading for DR Horton Discovery Project)

EXHIBIT A

Attachment: Ordinance No. 993 - Change of Zone [Revision 2] (6063 : Second Reading for DR Horton Discovery Project)



Attachment: Ordinance No. 993 - Change of Zone [Revision 2] (6063 : Second Reading for

PEN21-0199 - Change of Zone

Proposed Change from Residential 5 (R5) to Residential Single-Family 10 (RS10)



Report to City Council

TO: Mayor and City Council

FROM: Melissa Walker, Acting Public Work Director/City Engineer

AGENDA DATE: January 3, 2023

TITLE: PEN19-0203 (TR 33607) – APPROVE TRACT MAP 33607 LOCATED ON PERRIS BOULEVARD, SOUTH OF CACTUS AVENUE AND NORTH OF DELPHINIUM AVENUE. DEVELOPER: AMERICAN PACIFIC INVESTMENTS, INC.

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Approve Tract Map 33607.
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

SUMMARY

This report recommends approval of Tract Map 33607, which is owned by American Pacific Investments, Inc. Tract Map 33607 will create one (1) residential parcel for condominiums and is located on Perris Boulevard, south of Cactus Avenue and north of Delphinium Avenue.

DISCUSSION

On January 9, 2007, the City Council of the City of Moreno Valley approved Tentative Tract Map 33607 (PA06-0096). The project involves one (1) parcel for the development of a 52-unit condominium complex located on Perris Boulevard, south of Cactus Avenue and north of Delphinium Avenue. The Agreement for Public Improvements will be executed prior to map recordation. Tract Map 33607 is in substantial conformance with the approved Tentative Tract Map. The developer has requested that the map be approved for recordation. Due to the size of the map, it is not attached to this report.

The map, however, is available for review at the Public Works/Land Development counter at City Hall.

ENVIRONMENTAL

On January 9, 2007, the City Council of the City of Moreno Valley approved Tentative Tract Map 33607 (PA06-0096). In accordance with the California Environmental Quality Act (CEQA) Guidelines, the City Council determined that the Negative Declaration was the appropriate CEQA documentation for the project, and certified the Initial Study/Negative Declaration, as it was determined that the project would not result in significant impacts on the environment.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *Staff recommends this alternative as it will allow the tract map to be recorded and allow the project to move forward with development of residential property and adjacent improvements.*
2. Do not approve and do not authorize the recommended actions as presented in this staff report. *Staff does not recommend this alternative as it will not allow the tract map to be recorded and not allow the project to move forward with development of residential property and adjacent improvements.*

FISCAL IMPACT

No fiscal impact is anticipated.

NOTIFICATION

Publication of agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Melissa Walker, P.E.
Acting Public Works Director/City Engineer

Concurred By:
Clement Jimenez, P.E.
Principal Engineer

CITY COUNCIL GOALS

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

CITY COUNCIL STRATEGIC PRIORITIES

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

Objective 4.2: Develop and maintain a comprehensive Infrastructure Plan to invest in and deliver City infrastructure.

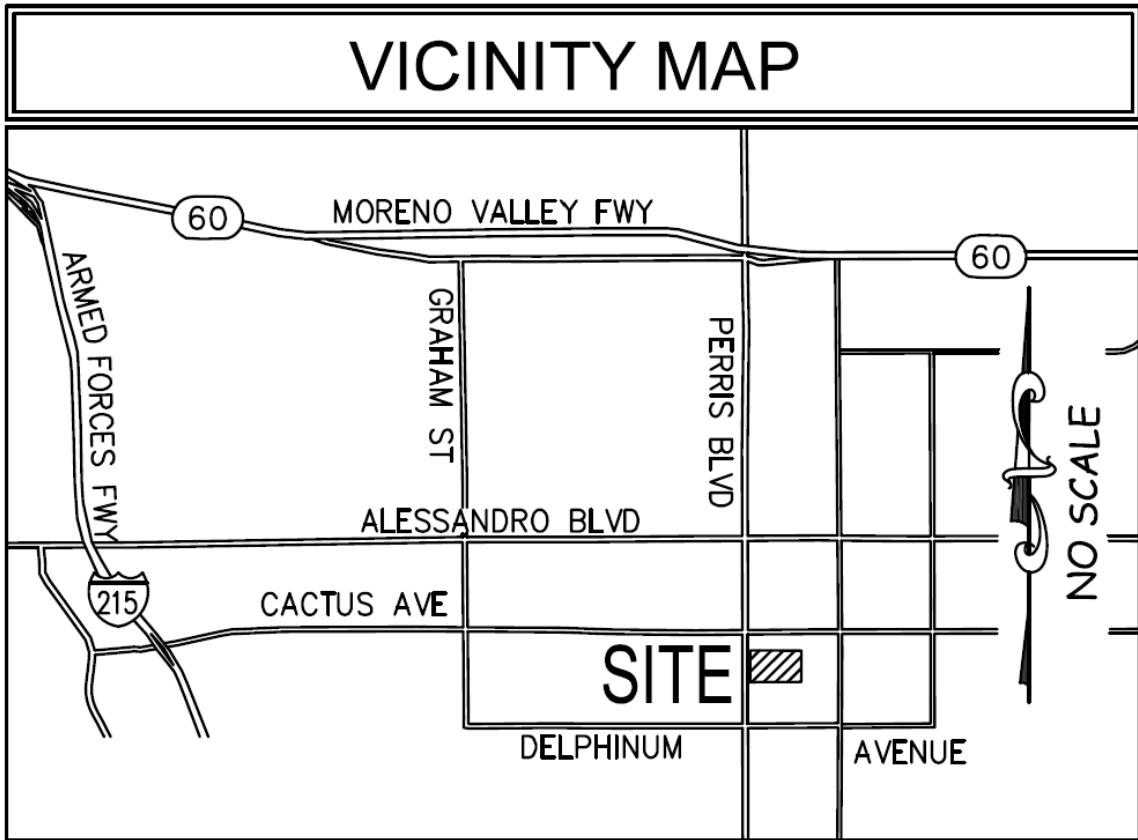
ATTACHMENTS

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

- 1. Vicinity Map PEN19-0203 (TR 33607)

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	12/22/22 3:55 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	12/22/22 4:01 PM



CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT

PEN19-0203 (TR 33607)
Final Map

Attachment: Vicinity Map PEN19-0203 (TR 33607) (6054 : PEN19-0203 (TR 33607) – APPROVE TRACT MAP 33607)



Report to City Council

TO: Mayor and City Council

FROM: Manuel A. Mancha, Community Development Director

AGENDA DATE: January 3, 2023

TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, EXTENDING THE ESTABLISHED SERVICE AUTHORITY FEE COLLECTION FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM

RECOMMENDED ACTION

Recommendation: That the City Council:

1. Adopt Resolution No. 2023-xx, a Resolution of the City Council of the City of Moreno Valley, California, extending the established Service Authority fee collection for the Abandoned Vehicle Abatement program through May 31, 2034.

SUMMARY

This report recommends approval of Resolution No. 2023-xx, extending the established Service Authority fee collection for the Abandoned Vehicle Abatement (AVA) program through May 31, 2034.

Approval of the Resolution will continue to allow the City to remove and dispose of abandoned, wrecked, dismantled, or nonoperative vehicles, and be reimbursed through the Riverside County Abandoned Vehicle Abatement Service Authority for staff time and costs incurred by the City in the abatement of these vehicles.

DISCUSSION

In 1990, the California State Legislature enacted legislation allowing for the creation of county-based vehicle service authorities to address the proliferation of nonoperative vehicles stored on public or private property, pursuant to the provisions of Vehicle Code Section 22710. Lawmakers also adopted provisions (CVC 9250.7) establishing an annual \$1.00 fee imposed on vehicles registered in a county where a service authority

had been established. In June 1994, the Riverside County Abandoned Vehicle Abatement Service Authority was formed.

The current 24 entities which comprise the Service Authority are: the County of Riverside, and the Cities of Banning, Beaumont, Blythe, Calimesa, Canyon Lake, Cathedral City, Coachella, Corona, Desert Hot Springs, Hemet, Indio, La Quinta, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Palm Desert, Palm Springs, Perris, Riverside, San Jacinto, and Temecula.

Vehicle registration fees are collected by the California Department of Motor Vehicles and distributed to the corresponding service authority by the State Controller's Office. Fees are then allocated quarterly to participating local jurisdictions based on the size and population of each jurisdiction in relation to the total size and population of Riverside County, and on the percentage of vehicles abated by each jurisdiction in relation to the total vehicles abated by the Riverside County Abandoned Vehicle Service Authority as a whole.

The City of Moreno Valley has been an active participant in Riverside County's Abandoned Vehicle Service Authority since its inception. During this time, the Riverside County Abandoned Vehicle Abatement Service Authority has disbursed over \$22,900,000 to participating jurisdictions to offset costs in the abatement of over 146,500 abandoned, wrecked, dismantled or nonoperative vehicles.

From July 2017 to June 2022, the City received over \$1.086m in disbursements from the Riverside County Abandoned Vehicle Abatement Service Authority for Community Enhancement Officers' efforts in abating over 2,900 abandoned, wrecked, dismantled, or nonoperative vehicles within the City. This revenue has helped reduce the overall impact on the City's general fund.

The current service authority program is scheduled to sunset on May 31, 2024. Senate Bill 106 (SB 106), chaptered on August 13, 2001, allows local agencies to extend the Abandoned Vehicle Abatement Service Authority program every 10 years with the approval of the county and a majority of the jurisdictions comprising a majority of the population of the incorporated areas.

This will be the fourth extension of the Authority since its inception in 1994; having been previously extended in 1998, 2002, and 2012.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *Staff recommends this alternative that will facilitate cost recovery for those costs incurred by the City.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *Staff does not recommend this alternative as it will result in the cost for vehicle abatements to be covered by the City.*

FISCAL IMPACT

Failure to extend the Service Authority will result in the termination of the Abandoned Vehicle Abatement program. The City would no longer be eligible for cost reimbursements for the abatement of nonoperative vehicle cases which would result in the reduction of approximately \$215,000 in program revenues annually.

NOTIFICATION

Agenda was posted in accordance with the Brown Act.

PREPARATION OF STAFF REPORT

Prepared By:
Robert Alvarez
Community Enhancement & Neighborhood
Services Division Manager

Department Head Approval:
Manuel A. Mancha, Community Development
Director

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

ATTACHMENTS

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

- 1. Resolution 2023-XX FINAL 20230103

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	12/22/22 3:57 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	12/22/22 4:02 PM

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR EXTENSION OF THE ESTABLISHED SERVICE AUTHORITY FEE COLLECTION FOR THE ABANDONED VEHICLE ABATEMENT PROGRAM

WHEREAS, the Riverside County Abandoned Vehicle Abatement Service Authority was formed on or about June 1, 1994, pursuant to the provisions of California Vehicle Code § 9250.7 and § 22710 enacted by the Legislature in 1990 which authorize the establishment of a service authority and imposition of a service fee on all registered motor vehicles located within a county; and

WHEREAS, beginning in June 1994 and continuing to the present, the Riverside County Abandoned Vehicle Abatement Service Authority has been the recipient of service fees collected on its behalf by the California Department of Motor Vehicles and apportions and distributes proceeds to each member agency according to the formula set forth in the California Vehicle Code § 22710; and

WHEREAS, the service fees received by the Riverside County Abandoned Vehicle Abatement Service Authority are used to reimburse local governmental agencies for the costs incurred as a result of the abatement, removal, and disposal as public nuisances of any abandoned, wrecked, dismantled, or nonoperative vehicles or parts thereof; and

WHEREAS, the service fee collected as part of the Abandoned Vehicle Abatement Program is set to expire on May 31, 2024; and

WHEREAS, the Legislature amended California Vehicle Code § 9250.7 to allow for an extension of the service fee collected as part of the Abandoned Vehicle Abatement Program in increments of up to 10 years each if the Board of Supervisors for the County by a two-thirds vote, and a majority of the cities comprising a majority of the population of the incorporated areas within the county, adopt resolutions providing for the extension of the service fee; and

WHEREAS, it is desirable to the City of Moreno Valley to have the Abandoned Vehicle Abatement Program and fee collection to continue beyond its current termination date of May 2024.

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

1. That the City of Moreno Valley approves the extension of the service fee collected on behalf of the Riverside County Abandoned Vehicle Abatement Service Authority until May 31, 2034.

1
Resolution No. 2023-_____
Date Adopted: January 3, 2023

APPROVED AND ADOPTED this 3rd day of January, 2023.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment: Resolution 2023-XX FINAL 20230103 (6050 : A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY,

Resolution No. 2023-2
Date Adopted: January 3, 2023

RESOLUTION JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2023-___ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 3rd day of January, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Resolution No. 2023- 3
Date Adopted: January 3, 2023

Attachment: Resolution 2023-XX FINAL 20230103 (6050 : A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY,



Report to City Council

TO:

FROM: Melissa Walker, Acting Public Work Director/City Engineer

AGENDA DATE: January 3, 2023

TITLE: APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT DESIGN SERVICES WITH ALBERT A. WEBB ASSOCIATES FOR THE SUNNYMEAD MDP LINE B-16A, STAGE 2, PROJECT NO. 804 0015

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Approve the First Amendment to Agreement for Professional Consultant Services to Albert A. Webb Associates to provide preliminary engineering, design, and construction support for the Sunnymead Master Drainage Plan (MDP) Line B-16A, Stage 2 project, funded by Riverside County Flood Control & Water Conservation District (RCFC&WCD);
2. Authorize the City Manager to execute the First Amendment to Agreement for Professional Consultant Services with Albert A. Webb Associates, subject to the approval of the City Attorney;
3. Authorize an amendment to the existing Purchase Order with Albert A. Webb Associates in the amount of up to but not to exceed \$219,910.00 (\$159,916.00 original agreement plus \$59,994.00 for First Amendment to Agreement) once the Agreement has been signed by all parties;
4. Authorize an amendment to the Agreement termination date, extending the termination date from June 30, 2023 to December 30, 2024; and
5. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with Albert A. Webb Associates, subject to the approval by the City Attorney.

SUMMARY

This report recommends approval of the First Amendment to Agreement (Attachment B) for Professional Consultant Services with Albert A. Webb Associates to provide preliminary engineering, design, and construction support for the Sunnymead Master Drainage Plan (MDP) Line B-16A, Stage 2 project.

DISCUSSION

On September 15, 2020, the City Council approved the original Agreement with Albert A. Webb Associates and authorized the Director of Public Works/City Engineer to execute any subsequent related amendments to the agreement with Albert A. Webb Associates, not to exceed the Purchase Order amount, subject to the approval by the City Attorney.

This project is to design and construct a storm drain system including approximately 3,100 feet of reinforced concrete pipe (RCP) size of 24" and 36" along Kitching Street north of Ironwood Avenue. The proposed storm drain system is identified as storm drain Line B-16A in the District's Sunnymead MDP. The proposed Line B-16A collects flows from an existing culvert in Kalmia Avenue just east of Kitching Street and conveys them south along Kitching Street. The pipe runs north of Jaffa Way and connects to an existing system in Kitching Street, 300' north of Ironwood Ave. During the design phase in order to minimize right-of-way acquisition and avoid underground utility conflicts the project underwent substantial redesign changes resulting in additional utility coordination, reviews and approval that were not a part of the original scope of work.

Staff is recommending approval of the First Amendment to the Agreement for Professional Consultant Services with Albert A. Webb Associates to address the changes to the original scope of work. This project is funded by RCFC&WCD.

Approval of the recommended actions would support Objective 4 of the Momentum MoVal Strategic Plan: "Manage and maximize Moreno Valley's public Infrastructure to ensure an excellent quality of life, develop and implement innovative, cost effective infrastructure maintenance programs, public facilities management strategies, and capital improvement programming and project delivery."

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will allow the Sunnymead MDP Line B-16A project to continue to move forward on schedule and resolve the flooding issue.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay the Sunnymead MDP Line B-16A project and would prevent the efforts to mitigate flooding for the area, which may lead to additional erosion in the project area.*

FISCAL IMPACT

This project is funded per the Cooperative Agreement (Attachment C) by the District for design and construction in the total amount of \$1,930,000. There is no impact to the General Fund.

PROJECT BUDGET:

District's ADP - Public Works General Capital Projects
(Account 3002-70-77-80004-720199) (Project No. 804 0015-3002-99)
Total \$1,930,000

ESTIMATED CITY PROJECT COSTS:

Environmental/Permitting/Right of Way \$210,000
Professional Consultant Services \$218,910
Construction \$1,250,000
Construction Materials Testing and Surveying \$80,000
Mitigation/Monitoring During Construction \$60,000
Project Administration/Inspection* \$111,090
Total \$1,930,000

**Project administration and inspection will be provided by City staff*

ANTICIPATED PROJECT SCHEDULE:

Design and Permitting January 2023 - May 2023
Construction Summer 2023

NOTIFICATION

Public notification and community outreach will continue throughout the completion of this project.

PREPARATION OF STAFF REPORT

Prepared By:
Harold Zamora, PE
Capital Projects Principal Engineer

Department Head Approval:
Melissa Walker, PE
Acting Public Works Director/City Engineer

CITY COUNCIL GOALS

Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

CITY COUNCIL STRATEGIC PRIORITIES

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

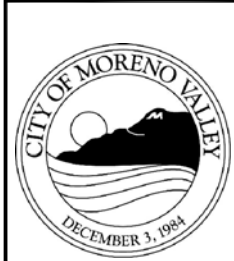
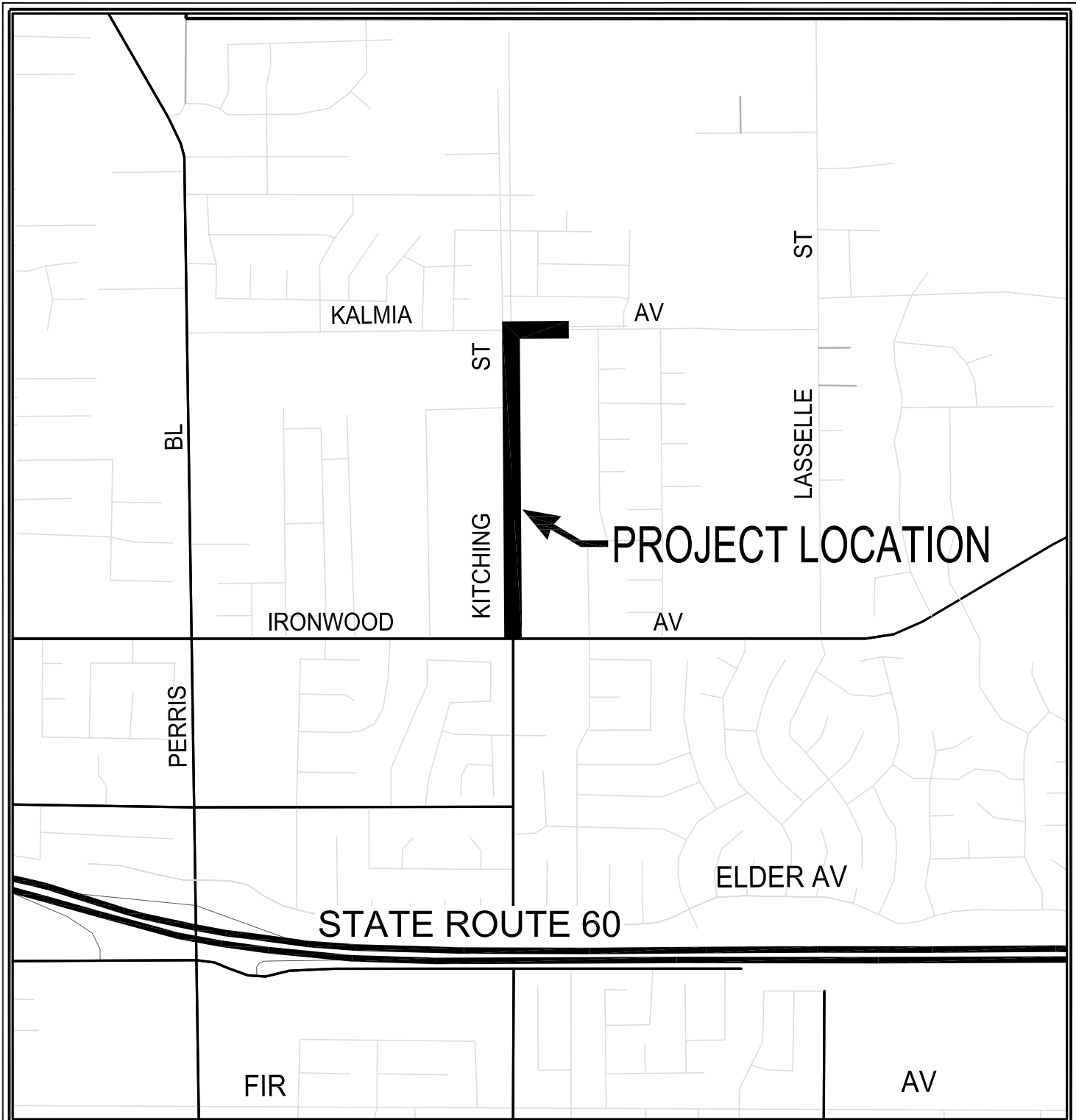
ATTACHMENTS

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

- 1. Location Map
- 2. First Amendment to Agreement with Albert A. Webb Associates
- 3. Cooperative Agreement with RCFC&WCD

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	12/22/22 3:59 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	12/22/22 4:03 PM



SUNNYMEAD MDP LINE B-16A

LOCATION MAP
Public Works Department
Capital Projects Division

SUNNYMEAD MDP LINE B-16A
KITCHING ST FROM KALMIA AV TO IRONWOOD AV

ATTACHMENT 1

PROJECT No 804 0015

Attachment: Location Map (6048 : APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT DESIGN

**FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL
CONSULTANT DESIGN SERVICES WITH ALBERT A. WEBB ASSOCIATES (WEBB) FOR
SUNNYMEAD MASTER DRAINAGE PLAN LINE B-16A, STAGE 2
CITY OF MORENO VALLEY PROJECT NO. 804 0015
RCFC&WCD PROJECT NO. 4-0-00614-02**

This First Amendment to Agreement (hereinafter, this "Agreement") is made and entered into this ____ day of _____ 202__ ("Effective Date"), by and between the City of Moreno Valley, a municipal corporation in the County of Riverside, State of California, hereinafter referred to as the "City," and Albert A. Webb Associates (WEBB), California Corporation hereinafter referred to as "Consultant."

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT DESIGN SERVICES," hereinafter referred to as "Agreement," dated November 16, 2020.

Whereas, the Consultant is providing Civil Engineering Design services for **Sunnymead Master Drainage Plan Lines B-16A, Stage 2, Project No. 804 0015.**

Whereas, it is desirable to amend the Agreement to expand the scope of work to be performed by the Consultant, Terms of Payment, and to extend the Agreement termination date as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated December 2, 2022, for additional requested out-of-scope work to be performed. A copy of said Proposal is attached as "Exhibit A - Scope of Services" and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 This Agreement termination date is extended from June 30, 2023 to **December 30, 2024**, unless the termination date is further extended by an Amendment to the Agreement.

1.2 Exhibit "A" to the Original Agreement is hereby amended by adding to the scope of work section described in Exhibit "A," entitled "Scope of Services."

1.3 Exhibit "C" to the Original Agreement is hereby further amended by adding the cost

**FIRST AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 804 0015**

section described in Exhibit "A," entitled "Scope of Services."

1.4 The total "Not to Exceed" fee for this contract is \$219,910.00 (\$159,916.00 for the original Agreement, plus \$59,994.00 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

SIGNATURE PAGE TO FOLLOW:

FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 804 0015

City of Moreno Valley

Albert A. Webb Associates (WEBB)

BY: _____
Mike Lee, City Manager

BY: _____

TITLE: _____
(President or Vice President)

Date

Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

BY: _____

TITLE: _____
(Corporate Secretary)

City Attorney

Date

Date

RECOMMENDED FOR APPROVAL:

Acting Public Works Director/City Engineer

Date

Enclosures: Exhibit "A" – Scope of Services

Attachment: First Amendment to Agreement with Albert A. Webb Associates (6048 : APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR

EXHIBIT "A"

Scope of Services

**Corporate Headquarters**

3788 McCray Street
Riverside, CA 92506
951.686.1070

Palm Desert Office

74967 Sheryl Avenue
Palm Desert, CA 92260
951.686.1070

Murrieta Office

41870 Kalmia Street #160
Murrieta, CA 92562
T: 951.686.1070

December 2, 2022

Harold Zamora

CITY OF MORENO VALLEY**DEPARTMENT OF PUBLIC WORKS, CAPITAL PROJECT DIVISION**

14177 Frederick Street
Moreno Valley, CA 92553

**RE: Revised Request for Contract Amendment for Sunnymead Master
Drainage Plan, Lines B-16A Stage 2**

Dear Mr. Zamora:

Albert A. WEBB Associates (WEBB) respectfully submits the following contract amendment for additional requested out-of-scope work for the Sunnymead Line B-16A project referenced above. During the course of the project, City Staff changed. With the change came a fresh look at the project, including the previously agreed upon alignment. The City changed the right of way acquisition strategy for the project and desired to minimize any right of way takes. Based on this, the City requested that the previously agreed upon facility alignment be modified. While the modified alignment has reduced the City's right of way acquisition effort, it has also resulted in additional utility coordination and other mapping and redesign efforts.

The scope of work below includes out of scope items that have either already been performed, or that are required due to the City directed change:

1. Additional Storm Drain Alignment and Profile Revisions

During the initial stages of the project design, we sat down with City Staff and reviewed utilities, right of way and prior outreach that the City had made to property owners. Based on this meeting WEBB modified the initial alignment to be consistent with the desired direction of the City. This alignment was utilized on the first two plan check submittals to the City.

Work Includes:

- a. Revision of the storm drain alignment and profile based on additional right of way and easement mapping, and to avoid easements in private properties (2 iterations) per direction and coordination with City.
- b. Final revision of the storm drain alignment and profile to incorporate comments from EMWD and on final direction from City.



2. Additional Right of Way and Easement Research and Mapping

The linework used for the right of way base map was initially provided by RCFC&WCD. When City Staff changed course in their right of way acquisition strategy, the City requested that the right of way base map be updated to reflect all easements. This was done to help the City determine which properties to avoid to meet their objective of minimizing new acquisitions. The City provided WEBB with title reports, vesting deeds and plotted easement documents for 19 different parcels. WEBB Survey personnel reviewed each of those documents and coordinated with City personnel to come up with a marked-up exhibit showing all the recorded linework that would help determine a feasible alignment. Constant dialog was maintained with the City for over 2 months while the process was finished. WEBB Survey personnel then also prepared the base map mapping out all the findings. Ultimately, 76 easements were drafted onto the right of way base map. A living document was also created and reviewed by the City showing all the linework and parcels in color for easy identification and understanding.

Work Includes:

- a. Review of title reports and legal descriptions.
- b. Prepare updated right of base map.
- c. Exhibit preparation, coordination, and meetings with City.

3. Maintenance Access Road Design and Plans

The City indicated that a passable Class II base road is desired to be established for the project to allow for the maintenance of the proposed facility in Kitching road. The access road will stretch north-south commencing at the end of paved portion of Kitching and extending north to Kalmia intersection. This required a site visit and investigation to understand the current drainage patterns, so that drainage features, such as swales and/or inlets can be accommodated into the design. This design requires assessing current lines and grades and preparing a grading plan for the Class II base access road. This task was not included in the original scope and will require additional plan reviews by the agencies that were not anticipated in the original scope.

Work Includes:

- a. Site Visit/Field Investigation
- b. Drainage pattern/local hydrology assessment
- c. Design of inlets, swales, and other drainage features
- d. Include design in plan set (additional plan, profile, and/or detail sheets)
- e. Update H&H report

4. EMWD Coordination

EMWD reviewed the plans at the City's request resulting in a meeting with EMWD to discuss their comments and requirements. In the meeting, it was discussed that 4' clearance between the storm drain and existing water lines could not be maintained due to existing constraints such as right of way and other utilities. EMWD requested that City to prepare an application to DDW (department of domestic water) for exception to the 4' clearance requirement, and to prepare protection details for crossings. The City requested WEBB prepare the application on their behalf and include the details on the plans. These tasks were not included in the original scope.

Work Includes:

- a. Meeting and Coordination with City and EMWD
- b. Prepare application, including exhibits and cross sections, for EMWD to submit to DDW (department of domestic water).
- c. Provide assistance for addressing comments on application package.
- d. Prepare protection details for water service and sewer lateral crossings (per request of EMWD).
- e. Mitigation measures, if required based on DDW review of application, can be provided in separate change order proposal if needed.

5. Plat and Legal and R/W Exhibit

The preparation of a Plat and Legal Description is necessary to obtain needed right of way for this project. WEBB will prepare on plat and legal description for the City to use in obtaining right of way. Additionally, an exhibit will be prepared to assist the City in right of way negotiations.

6. Additional Project Management, Meetings, and Coordination

The original scope included budget for project management, meetings, and coordination. This budget has been expended. Additional budget is requested for project management, meetings, and coordination to complete the project. Coordination for right of entry agreements for private property during construction is not included. Support for efforts related to the City obtaining environmental permits (such as a categorical exemption) are also excluded. These can be provided in a separate change order proposal, if needed.

The total amount requested for these services is **\$59,994**, not to be exceeded without prior authorization. If you find this contract amendment acceptable, please issue a contract amendment for these tasks. We appreciate this opportunity to be of service to your firm and look forward to hearing from you. If you have any questions regarding this proposal, please contact us at 951-686-1070.

Sincerely,

ALBERT A. WEBB ASSOCIATES

Joseph C. Caldwell, PE | CPSWQ | CPESC | CFM
Water Resources Practice Leader

Scott R. Hildebrandt, PE
Chief Strategy Officer



Sunnymead Master Drainage Plan, Lines B-16A Stage 2
City of Moreno Valley

Item	Description	Joseph Caldwell	Ranjit Singh	Pineda, Gonzalez Pineda	Haley Franco	Michael Johnson	Jon Ros	Andres Lopez	Total Hours	Subtotal - Labor	Sub-consultant budget	Expenses	Total/task ¹
	Billout Rate	\$ 265	\$ 224	\$ 150	\$ 103	\$ 245	\$ 208	\$ 197					
	Task 1 - Additional Alignment and Profile Revisions	3	18	28					49	\$ 9,027	\$ -	\$ -	\$ 9,027
	1.1 Revisions to alignment and profile	1	9	16					26	\$ 4,681	\$ -	\$ -	\$ 4,681
	1.2 Final Revisions	2	9	12					23	\$ 4,346	\$ -	\$ -	\$ 4,346
	Task 2 - Right of Way/Easement research and Mapping	2	8	16	8	12	50		96	\$ 18,886	\$ -	\$ -	\$ 18,886
	2.1 Review title reports and legal descriptions		4	8	4	6	20		42	\$ 8,138	\$ -		\$ 8,138
	2.2 Prepare update base map					4	30		34	\$ 7,220	\$ -		\$ 7,220
	2.3 Coordination, meeting, and exhibits	2	4	8	4	2			20	\$ 3,528	\$ -		\$ 3,528
	Task 3 - Maintenance Access Road Design and Plans	3	17	66					86	\$ 14,503	\$ -	\$ -	\$ 14,503
	3.1 Site visit/field investigation	1	2	4					7	\$ 1,313	\$ -		\$ 1,313
	3.2 Drainage pattern/local hydrology	1	2	5					8	\$ 1,463	\$ -		\$ 1,463
	3.3 inlet, swale, drainage feature design		3	9					12	\$ 2,022	\$ -		\$ 2,022
	3.4 Plan update		6	40					46	\$ 7,344	\$ -		\$ 7,344
	3.5 H&H report update	1	4	8					13	\$ 2,361	\$ -		\$ 2,361
	Task 4 - EWMD Coordination		15	31					46	\$ 8,010	\$ -	\$ -	\$ 8,010
	4.1 Meeting and Coordination		2	4					6	\$ 1,048	\$ -		\$ 1,048
	4.2 Prepare application and exhibits		4	12					16	\$ 2,696	\$ -		\$ 2,696
	4.3 Address comments		3	3					6	\$ 1,122	\$ -		\$ 1,122
	4.4 Protection Details		6	12					18	\$ 3,144	\$ -		\$ 3,144
	Task 5 - Plat and Legal and R/W Exhibit	2	2	8		3	5	8	28	\$ 5,529	\$ -	\$ -	\$ 5,529
	5.1 Plat and Legal	1				3	5	8	17	\$ 3,616	\$ -		\$ 3,616
	5.2 R/W Exhibit	1	2	8					11	\$ 1,913	\$ -		\$ 1,913
	Task 6 - Addl Project management, meetings, and Coordination	5	4	8	6				23	\$ 4,039	\$ -	\$ -	\$ 4,039

Attachment: First Amendment to Agreement with Albert A. Webb Associates (6048 : APPROVE THE FIRST



Sunnymead Master Drainage Plan, Lines B-16A Stage 2
 City of Moreno Valley

Item	Description	Joseph Caldwell	Ranjit Singh	Pineda, Gonzalez Pineda	Haley Franco	Michael Johnson	Jon Ros	Andres Lopez	Total Hours	Subtotal - Labor	Sub-consultant budget	Expenses	Total/task ¹
6.1	Project Management	2			6				8	\$ 1,148	\$ -		\$ 1,148
6.2	Meetings	1	2	4					7	\$ 1,313	\$ -		\$ 1,313
6.3	Coordination	2	2	4					8	\$ 1,578	\$ -		\$ 1,578
Total		15	64	157	14	15	55	8	328	\$ 59,994	\$ -	\$ -	\$ 59,994

Attachment: First Amendment to Agreement with Albert A. Webb Associates (6048 : APPROVE THE FIRST

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 11.5
(ID # 13471)

MEETING DATE:
Tuesday, October 20, 2020

FROM: FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Approval of the Cooperative/Funding Agreement between the Riverside County Flood Control and Water Conservation District and the City of Moreno Valley for Sunnymead MDP Line B-16A, Stage 2, Project No. 4-0-00614, CEQA Exempt, District 5. [Not-to-Exceed \$1,987,900 – District Zone 4 Funds - 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the Cooperative/Funding Agreement is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), the "Common Sense" exemption;
2. Approve the Cooperative/Funding Agreement ("Agreement") between the Riverside County Flood Control and Water Conservation District ("District") and the City of Moreno Valley ("City");
3. Authorize the Chairwoman of the Board to execute the Agreement documents on behalf of the District; and
4. Direct the Clerk of the Board to return three (3) fully executed original Cooperative/Funding Agreement documents to the District.

ACTION: Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG 10/7/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
 Nays: None
 Absent: None
 Date: October 20, 2020
 xc: Flood

Kecia R. Harper
 Clerk of the Board
 By:
 Deputy

Attachment: Cooperative Agreement with RCFC&WCD (6048 : APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

beneficiaries of the project. Ancillary benefits will accrue to the public who will utilize the roadways.

Additional Fiscal Information

The District is providing up to \$1,930,000 in funding to the City for the project. Sufficient funding is available in the District's Zone 4 budget for FY 2020/21 and will be included in the proposed budget in future years through FY 2024/25 as appropriate.

Pursuant to the Implementing Agreement for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) executed on June 22, 2004, the District is a participating agency. The District is making a payment to the Western Riverside County Regional Conservation Authority (RCA) for up to 3% of the total capital costs as required mitigation for the construction of flood control facilities in cooperation with and on behalf of the City. The MSHCP mitigation fee is based on the engineers estimated project cost, however, the actual 3% payment will be based on the project's lowest responsive contract bid price. The actual mitigation payment that will be made by the District may be reduced based on acquisition of replacement habitat for the benefit of Covered Species, as defined in the Implementing Agreement and the MSHCP. The City is the lead agency and the MSHCP permittee responsible for compliance with the applicable MSHCP requirements.

Funding Summary

Estimated Design and Administration Contribution	\$ 200,000
Estimated Construction Contribution	\$ 1,730,000
<hr/>	
Maximum District Contribution to the City	\$ 1,930,000
Estimated MSHCP Mitigation Fee	\$ 57,900
(3% of Estimated Construction Contribution)	
<hr/>	
Total Estimated District Cost	\$ 1,987,900

SOURCE OF FUNDS: (Continued)

- 25140-947460-536200 Contribution to Non-County Agency – Zone 4
- 25140-947460-523220 License and Permits – Zone 4

ATTACHMENT:

1. Vicinity Map
2. Cooperative/Funding Agreement

AK:blm
P8/233369


Jason Farin, Principal Management Analyst 10/13/2020


Gregory L. Priamos, Director County Counsel 10/8/2020

Attachment: Cooperative Agreement with RCFC&WCD (6048 : APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL

COOPERATIVE/ FUNDING AGREEMENT

Sunnymead MDP Line B-16A, Stage 2

Project No. 4-0-00614

This Cooperative/Funding Agreement (“Agreement”), dated as of October 20

2020, is entered into by and between, the Riverside County Flood Control and Water Conservation District, a body politic, ("DISTRICT") and the City Of Moreno Valley, a municipal corporation, ("CITY"). DISTRICT and CITY are individually referred to herein as “party” and collectively referred to herein as “parties”. The parties hereto hereby agree as follows:

RECITALS

A. DISTRICT has budgeted for and CITY has plans to design, construct, operate and maintain Sunnymead MDP Line B-16A, Stage 2 ("LINE B-16A"). Upon construction completion, LINE B-16A will provide 10-year flood protection for the residents of Kitching Street in the City of Moreno Valley; and

B. LINE B-16A, as identified in the DISTRICT’s Sunnymead Master Drainage Plan (“MDP”), consists of approximately 3,100 lineal feet of storm drain of various sized storm drain pipe less-than or equal to thirty-six (36") inches in diameter as shown in concept in blue on Exhibit "A" attached hereto and made a part hereof. At the upstream terminus, LINE B-16A will collect runoff from Kalmia Avenue and convey it southerly along Kitching Street. At the downstream terminus, LINE B-16A will connect to an existing storm drain at Kitching Street, as shown on DISTRICT’s Drawing No. 4-0601; and

C. To eliminate backwater effects, a catch basin and a connector pipe will be added to existing Sunnymead MDP Line B-16A, as shown on DISTRICT’s Drawing No. 4-0422 on Ironwood Avenue (“ADDITIONAL FACILITY”) as shown in concept in green circle of Exhibit “A”; and

OCT 20 2020 11.5

Attachment: Cooperative Agreement with RCFC&WCD (6048 : APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL

D. To improve the runoff of collection at the upstream terminus, a catch basin and associated connector pipe may be added to existing Sunnymead MDP Line B-13, as shown on DISTRICT's Drawing No. 4-0459 ("OPTIONAL CATCH BASIN") located northwest of LINE B-16A as shown in concept in cyan circle on Exhibit "A".

E. LINE B-16A, ADDITIONAL FACILITY, OPTIONAL CATCH BASIN and associated pavement replacements are hereinafter called "CITY's FACILITIES"; and

F. Associated with the construction of CITY's FACILITIES is the installation of catch basins, connector pipes and associated pavement replacements hereinafter called "CITY APPURTENANCES"; and

G. Together, CITY's FACILITIES and CITY APPURTENANCES are hereinafter called "PROJECT"; and

H. Associated with the construction of PROJECT are the street improvements including, but not limited to, the construction of sidewalks, curbs and gutters within and adjacent to the PROJECT limits, and additional paving of the streets outside of PROJECT limits hereinafter called "CITY BETTERMENTS"; and

I. CITY plans to advertise, award and administer a public works construction contract for PROJECT during Fiscal Year 2021/2022; and

J. DISTRICT is willing to review and inspect any CITY's proposed storm drain connections to the DISTRICT maintained facilities; and

K. DISTRICT wishes to support CITY's efforts to construct PROJECT by providing a financial contribution toward PROJECT's design, construction, environmental clearance and right of way acquisition along with the associated administrative costs; and

L. DISTRICT's contributions shall be as follows subject to the not to exceed amount provided in Recital M below:

i. One hundred percent (100%) of CITY's selected consultant's design proposal cost to offset CITY's costs associated with engineering design, hydrology & hydraulics, geo-tech analysis, potholing for conflicting utilities and CEQA determination to construct PROJECT ("DESIGN CONTRIBUTION"), plus an additional fifteen percent (15%) of the CITY's administrative costs associated with design administration ("DESIGN ADMINISTRATION CONTRIBUTION"). Together, DESIGN CONTRIBUTION and DESIGN ADMINISTRATION CONTRIBUTION are hereinafter called ("TOTAL DESIGN CONTRIBUTION"); and

ii. One hundred percent (100%) of all costs associated with the preparation, application and obtaining the environmental clearance and permits if required for PROJECT, hereinafter called ("REGULATORY PERMITS COST"); and

iii. One hundred percent (100%) of the actual costs (not to exceed appraised value and estimated escrow and closing costs as determined by the DISTRICT) for right of way acquisition, and rights of entry for the PROJECT, hereinafter called ("ACQUISITION COST"); and

iv. One hundred percent (100%) of the lowest responsible bid contract price, less the bid price of CITY BETTERMENTS ("CONSTRUCTION CONTRIBUTION"), plus an additional five percent (5%) of the lowest responsible bid price to offset CITY's administrative costs associated with construction contract administration and other typical ancillary costs related to the delivery of PROJECT ("CONTRACT ADMINISTRATION CONTRIBUTION"), plus an additional ten percent (10%) for construction contract change orders ("CONSTRUCTION CHANGE ORDERS CONTRIBUTION"). Together, CONSTRUCTION CONTRIBUTION, CONTRACT ADMINISTRATION CONTRIBUTION and CONSTRUCTION CHANGE ORDER CONTRIBUTION are hereinafter called ("TOTAL CONSTRUCTION CONTRIBUTION"); and

v. One hundred percent (100%) of the costs associated with the unavoidable relocations of the conflicting utilities within the PROJECT that cannot be relocated by others under CITY’s franchise authority (“NON-FRANCHISE UTILITY COSTS”); and

M. Altogether, TOTAL DESIGN CONTRIBUTION, REGULATORY PERMITS COST, ACQUISITION COST, TOTAL CONSTRUCTION CONTRIBUTION, and NON-FRANCHISE UTILITY COSTS are hereinafter called ("TOTAL DISTRICT CONTRIBUTION"). TOTAL DISTRICT CONTRIBUTION for PROJECT shall not exceed a total of One Million Nine Hundred Thirty Thousand Dollars (\$1,930,000). Should the PROJECT require additional funding, DISTRICT is willing to pay the excess amounts by amending this Agreement contingent upon the availability of DISTRICT funds and budgetary approval if (i) the actual appraisal costs exceed the estimated ACQUISITION COST, and (ii) the actual CONSTRUCTION CONTRIBUTION, CONTRACT ADMINISTRATION CONTRIBUTION and DISTRICT approved CONSTRUCTION CHANGE ORDERS CONTRIBUTION exceed the estimated TOTAL CONSTRUCTION CONTRIBUTION; and

N. DISTRICT wishes to provide only financial assistance to CITY and have no other role;

O. The purpose of this Agreement is to memorialize the mutual understandings by and between CITY and DISTRICT with respect to the construction, ownership, operation and maintenance of PROJECT and the payment of TOTAL DISTRICT CONTRIBUTION.

NOW, THEREFORE, in consideration of the preceding recitals and the mutual covenants hereinafter contained, the parties hereto mutually agree that the above recitals are true and correct and incorporated into the terms of this Agreement and as follows:

SECTION I

CITY shall:

1. Pursuant to the California Environmental Quality Act ("CEQA"), act as Lead Agency and assume responsibility for preparation, circulation and adoption of all necessary and appropriate CEQA documents pertaining to the construction, operation and maintenance of PROJECT.

2. Prior to commencing construction of PROJECT for any connections to DISTRICT facilities as set forth in Recitals B, C, and D, obtain a no fee encroachment permit from DISTRICT, pursuant to its rules and regulations and comply with all provisions set forth therein.

3. Keep an accurate accounting of (i) costs associated with the preparation of plans and specifications for PROJECT, in conformance with DISTRICT approved TOTAL DESIGN CONTRIBUTION, as set forth in Sections I.4 and I.8, (ii) costs associated with obtaining all rights of way to construct, operate and maintain PROJECT, as set forth in Section I.9, (iii) costs associated with PROJECT construction with and if applicable, with obtaining REGULATORY PERMITS, as set forth in Sections I.12, (iv) costs associated with CONTRACT ADMINISTRATION CONTRIBUTION and if applicable, CONSTRUCTION CHANGE ORDERS CONTRIBUTION and NON-FRANCHISE UTILITY COSTS as set forth in Section I.22. The accounting shall be provided when invoicing the DISTRICT and shall include a detailed breakdown of all costs, including, but not limited to, payment vouchers, change orders and other such contract documents as may be necessary, to establish the actual cost of each contribution item as described in Recital L.

4. Issue a first invoice to DISTRICT (Attn: Contract Services Section) for fifty percent (50%) of the TOTAL DESIGN CONTRIBUTION upon execution of this Agreement or upon CITY's award of the design contract to its selected consultant, as set forth herein.

5. Prepare or cause to be prepared, the necessary plans and specifications for PROJECT, hereinafter called "IMPROVEMENT PLANS", in accordance with the applicable

DISTRICT and CITY standards, and submit to DISTRICT for its review and approval prior to advertising PROJECT for construction bids.

6. Prior to commencing construction, secure all necessary permits, approvals or agreements required by any federal, state and local resource or regulatory agencies pertaining to PROJECT. Such documents may include, but are not limited to, a Section 404 permit issued by the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification issued by the California Regional Water Quality Control Board (CRWQCB), a Streambed Alteration Agreement issued by the California Department of Fish and Wildlife, and a National Pollutant Discharge Elimination System Permit issued by the State Water Resources Control Board or CRWQCB and Western Riverside County Regional Conservation Authority ("REGULATORY PERMITS").

7. Prior to commencing construction, secure all necessary rights of way, rights of entry and permanent construction easements necessary to construct, inspect, operate and maintain PROJECT.

8. Issue a second invoice to DISTRICT (Attention: Contract Services Section) for the remaining fifty percent (50%) of TOTAL DESIGN CONTRIBUTION following signing of IMPROVEMENT PLANS of all parties.

9. Issue a third invoice to DISTRICT (Attention: Contract Services Section) for ACQUISITION COST following submittal of proof of ownership or easement documents and appraisal report to the DISTRICT. The total amount invoiced to DISTRICT for ACQUISITION COST shall not exceed one hundred percent (100%) of the appraised values for all acquired parcels plus customary escrow and closing costs for the PROJECT only.

- a. CITY shall be responsible for all costs associated with right of way acquisition of the CITY BETTERMENTS and shall separately delineate the boundaries of the PROJECT and CITY

BETTERMENTS when preparing legal descriptions and plats as applicable for right of way acquisition.

10. Advertise, award, and administer a Public Works construction contract of the bids for PROJECT pursuant to the applicable provisions of the California Public Contract Code. At the time of advertising for bids, provide DISTRICT with a copy of PROJECT plans, specifications, bid documents and any subsequent addenda thereto. Should the bid documents include items associated with CITY BETTERMENTS, CITY shall separate such bid items.

11. Provide DISTRICT with written notice (Attention: Contracts Services Section) that CITY has awarded a public works construction contract for PROJECT. The written notice shall include the Contractor's actual bid amounts for PROJECT, setting forth the lowest responsible bid contract amount.

12. Issue a fourth invoice to DISTRICT (Attention: Contract Services Section) for the payment of CONSTRUCTION CONTRIBUTION, and if applicable, REGULATORY PERMIT COSTS at the time of providing written notice of the award of a construction contract as set forth in Section I.11, subject to and provided that TOTAL DISTRICT CONTRIBUTION shall not exceed the total amount of One Million Nine Hundred Thirty Thousand Dollars (\$1,930,000). Furthermore, CITY shall be responsible to pay any amounts associated with CITY BETTERMENTS.

13. Construct or cause to be constructed PROJECT pursuant to a CITY administered public works contract in accordance with IMPROVEMENT PLANS.

14. Relocate or cause to be relocated, at its sole cost and expense, all conflicting CITY owned utilities. CITY shall also order the relocation of all other utilities installed under CITY's permit or franchise authority within CITY rights of way which conflict with the construction of PROJECT. CITY shall make reasonable efforts during preparation of the

IMPROVEMENT PLANS to avoid utility conflicts associated with NON-FRANCHISE UTILITY COSTS.

15. Inspect PROJECT construction or cause PROJECT's construction to be inspected by its construction manager, and pay all costs associated therewith.

16. Grant DISTRICT, by execution of this Agreement, the right to enter upon property owned or controlled by CITY where necessary and convenient for the purpose of gaining access to and performing inspection service for any CITY's proposed storm drain connections to the DISTRICT maintained facilities.

17. Procure or caused to be procured insurance coverages during the term of this Agreement. CITY shall require its PROJECT construction contractor(s) to furnish original certificate(s) of insurance and original certified copies of endorsements and if requested, certified original policies of insurance including all endorsements and any and all other attachments. Prior to CITY issuing a Notice to Proceed to its construction contractor(s) to begin construction of PROJECT, an original certificate of insurance evidencing the required insurance coverage shall be provided to DISTRICT. At minimum, the procured insurance coverages should adhere to the DISTRICT's required insurance provided in EXHIBIT "B", attached hereto and made a part hereof.

18. Require its construction contractor(s) to comply with all Cal/OSHA safety regulations including regulations concerning confined space and maintain a safe working environment for all CITY and DISTRICT employees on the site.

19. Upon completion of PROJECT construction and CITY's acceptance thereof, accept ownership and sole responsibility for the design, operation and maintenance of PROJECT.

20. Upon completion of PROJECT construction, provide DISTRICT with a copy of CITY's Notice of Completion.

21. Keep an accurate accounting of all PROJECT costs separate from CITY BETTERMENTS and provide this accounting to DISTRICT with CITY's Notice of Completion, as set forth in Section I.20. The final accounting of construction costs shall include a detailed breakdown of all costs, including, but not limited to, payment vouchers, CITY approved change orders and other such construction contract documents as may be necessary, to establish the actual cost of construction for the DISTRICT and CITY approved IMPROVEMENT PLANS.

22. Upon Notice of Completion, issue a fifth invoice to DISTRICT for the CONTRACT ADMINISTRATION CONTRIBUTION and if applicable, CONSTRUCTION CHANGE ORDERS CONTRIBUTION and NON-FRANCHISE UTILITY COSTS, subject to and provided that TOTAL DISTRICT CONTRIBUTION shall not exceed One Million Nine Hundred Thirty Thousand Dollars (\$1,930,000).

23. Perform, or cause to be performed, all work associated with CITY BETTERMENTS at its sole cost and expense.

SECTION II

DISTRICT shall:

1. Act as a Responsible Agency under CEQA, taking all necessary and appropriate action to comply with CEQA for PROJECT.
2. Issue a no fee encroachment permit ("Encroachment Permit") for the construction of PROJECT facilities as set forth in Recitals B, C, and D, in accordance with the approved IMPROVEMENT PLANS and subject to the provisions set forth in DISTRICT's Encroachment Permit.
3. Within thirty (30) days of receiving of CITY's first invoice to DISTRICT, pay CITY for fifty percent (50%) of the TOTAL DESIGN CONTRIBUTION, as set forth in Section I.4.

4. Review the IMPROVEMENT PLANS in accordance with the applicable DISTRICT and CITY standards.

5. Within thirty (30) days of receiving of CITY's second invoice to DISTRICT, pay CITY for the remaining fifty percent (50%) of the TOTAL DESIGN CONTRIBUTION following the signing of IMPROVEMENT PLANS of all parties, as set forth in Section I.8, subject to and provided that TOTAL DESIGN CONTRIBUTION shall not exceed the total amount of CITY's selected consultant design cost proposal and associated DESIGN ADMINISTRATION CONTRIBUTION.

6. Within thirty (30) days of receiving CITY's third invoice to DISTRICT, pay CITY for the ACQUISITION COST incurred by CITY following the submittal of proof of ownership or easement documents and appraisal report to the DISTRICT, as set forth in Section I.9, subject to and provided that TOTAL DISTRICT CONTRIBUTION shall not exceed the total amount of One Million Nine Hundred Thirty Thousand Dollars (\$1,930,000).

7. Within thirty (30) days of CITY awarding PROJECT construction contract, pay the Western Riverside County Regional Conservation Authority the costs associated with the Multiple Species Habitat Conservation Plan ("MSHCP"), which is either the lesser of (i) three percent (3%) of the lowest responsible bid price, or (ii) three percent (3%) of lowest responsible bid price less the value of applicable project-specific mitigation.

8. Within thirty (30) days of receiving CITY's fourth invoice to DISTRICT, pay CITY for the CONSTRUCTION CONTRIBUTION and CONTRACT ADMINISTRATION CONTRIBUTION, as set forth in Section I.12, subject to and provided that TOTAL DISTRICT CONTRIBUTION shall not exceed the total amount of One Million Nine Hundred Thirty Thousand Dollars (\$1,930,000).

9. Conduct periodic inspections if the proposed storm drain connects into DISTRICT maintained facilities.

10. Reimburse the CITY within thirty (30) days of receiving the fifth invoice to DISTRICT for CONTRACT ADMINISTRATION CONTRIBUTION, and if applicable pay for CONSTRUCTION CHANGE ORDERS CONTRIBUTION and NON-FRANCHISE UTILITY COST as set forth in Section I.22, subject to and provided that TOTAL DISTRICT CONTRIBUTION shall not exceed One Million Nine Hundred Thirty Thousand Dollars (\$1,930,000).

SECTION III

It is further mutually agreed:

1. Notwithstanding any other provision herein this agreement TOTAL DISTRICT CONTRIBUTION shall not exceed a total sum of One Million Nine Hundred Thirty Thousand Dollars (\$1,930,000); and shall be used by CITY solely for the purpose of the design and construction of said PROJECT as set forth herein. CITY shall pay for all costs associated with CITY BETTERMENTS.
2. In the event the actual construction cost for PROJECT is less than the CONSTRUCTION CONTRIBUTION, CITY shall refund the difference to DISTRICT within thirty (30) days of filing the Notice of Completion for PROJECT.
3. Under the provisions of this Agreement, DISTRICT shall bear no responsibility whatsoever for the design, construction, ownership, operation or maintenance of PROJECT.
4. CITY shall indemnify, defend, save and hold harmless DISTRICT and the County of Riverside (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents, representatives, independent contractors, and subcontractors) from any liabilities, claim, damage, proceeding or action, present or future, based upon, arising out of or in any way relating to CITY's (including its officers, elected and appointed officials, employees, agents,

representatives, independent contractors and subcontractors) actual or alleged acts or omissions related to this Agreement, performance under this Agreement or failure to comply with the requirements of this Agreement, including, but not limited to, (a) property damage; (b) bodily injury or death; (c) payment of attorney fees; or (d) any other element of any kind or nature whatsoever. This section shall survive any termination of this Agreement until the statute of limitations period has run for any claims that could be asserted under this Agreement.

5. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

6. This Agreement is to be construed in accordance with the laws of the State of California. Any action at law or in equity brought by any of the parties hereto for the purpose of enforcing a right or rights provided for by this Agreement shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for a change of venue in such proceedings to any other county. Neither CITY nor DISTRICT shall assign this Agreement without the written consent of the other party.

7. This Agreement is made and entered into for the sole protection and benefit of the parties hereto. No other person or entity shall have any right of action based upon the provisions of this Agreement.

8. Any and all notices sent or required to be sent to the parties of this Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501
Attn: Contracts Services Section

CITY OF MORENO VALLEY
14177 Frederick Street
Moreno Valley, CA 92552
Attn: Henry Ngo

Attachment: Cooperative Agreement with RCFC&WCD (6048 : APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL

9. This Agreement is the result of negotiations between the parties hereto and the advice and assistance of their respective counsel. The fact that this Agreement was prepared as a matter of convenience by DISTRICT shall have no import or significance. Any uncertainty or ambiguity in this Agreement shall not be construed against DISTRICT because DISTRICT prepared this Agreement in its final form.

10. Any waiver by DISTRICT or CITY of any breach by any other party of any provision of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same or any other provision hereof. Failure on the part of DISTRICT or CITY to require from any other party exact, full and complete compliance with any of the provisions of this Agreement shall not be construed as in any manner changing the terms hereof or estopping DISTRICT or CITY from enforcing this Agreement.

11. The obligations of DISTRICT are limited by and contingent upon the availability of DISTRICT funds for DISTRICT's financial contribution towards PROJECT as set forth herein. In the event that such funds are not forth coming for any reason, DISTRICT shall immediately notify CITY in writing. AGREEMENT shall be deemed terminated and have no further force and effect immediately upon receipt of DISTRICT's notification by CITY.

12. This Agreement is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of the terms and conditions thereof and supersedes any and all prior and contemporaneous agreements and understandings, oral or written, in connection therewith. This Agreement may be amended, changed or modified only upon the written consent of the parties hereto.

13. No alternation or variation of the terms of this Agreement shall be valid unless made in writing and signed by both parties and no oral understanding or agreement not incorporated herein shall be binding on either party hereto.

14. Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement.

15. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

//

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Attachment: Cooperative Agreement with RCFC&WCD (6048 : APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL

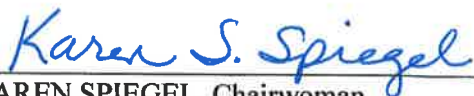
233191

IN WITNESS WHEREOF, the parties hereto have executed this Cooperative/Funding Agreement on October 20, 2020
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By 
JASON E. UHLEY
General Manager-Chief Engineer

By 
KAREN SPIEGEL, Chairwoman
Riverside County Flood Control and Water Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER
Clerk of the Board

By 
SYNTHIA M. GUNZEL
Chief Deputy County Counsel

By 
Deputy


(SEAL)

Cooperative/Funding Agreement: City of Moreno Valley
Sunnymead MDP Line B-16A, Stage 2
08/31/2020
AK:blm

Attachment: Cooperative Agreement with RCFC&WCD (6048 : APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL

RECOMMENDED FOR APPROVAL:

CITY OF MORENO VALLEY

By 
MIKE LEE
City Manager

APPROVED AS TO FORM:

ATTEST:

By 
City Attorney

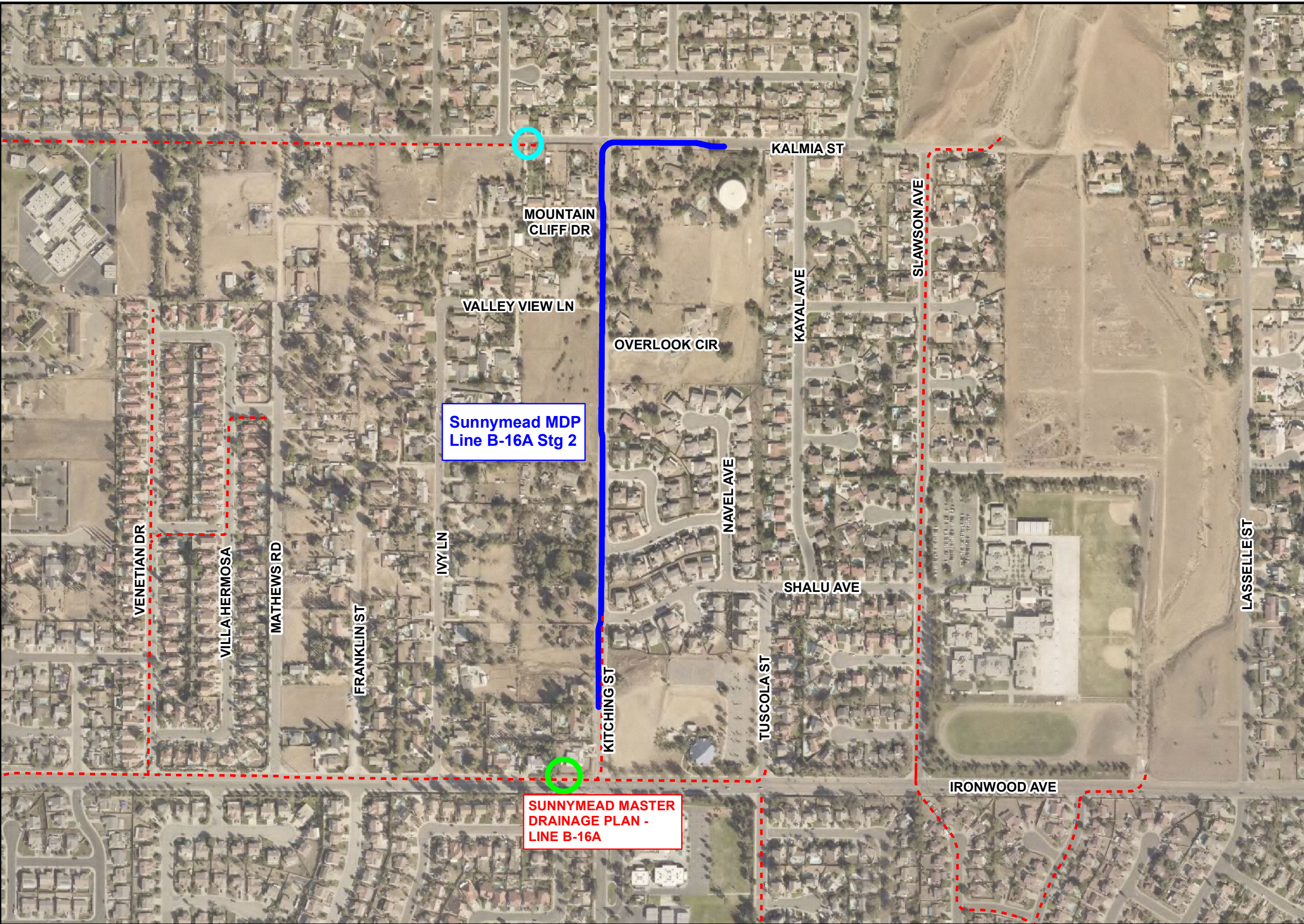
By 
PAT JACQUEZ-NARES
City Clerk

(SEAL)

Cooperative/Funding Agreement: City of Moreno Valley
Sunnymead MDP Line B-16A, Stage 2
08/31/2020
AK:blm

Attachment: Cooperative Agreement with RCFC&WCD (6048 : APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL

EXHIBIT "A"



Description:

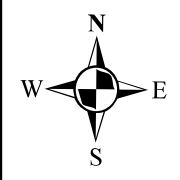
District led project in the City of Moreno Valley to reduce flooding problems along Kitching Street and the surrounding community. Line B-16A will collect runoff from Kalmia Avenue and convey it south along Kitching Street in an underground storm drain which discharges to an existing storm drain at Ironwood Avenue. Implementation of the project may also reduce erosion and sediment accumulation along Kitching Street. The District will fund, design, and construct the project and the City will take over maintenance after construction has been completed. Additional coordination with the City regarding right of way acquisition and street improvements are ongoing.

Legend:

- - - Existing Below Ground Facility
- CITY'S FACILITIES
- ADDITIONAL FACILITY
- OPTIONAL CATCH BASIN



RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
Sunnymead MDP Line B-16A Stg 2
 Supervisorial District 5



Document: Cooperative Agreement with RCFC&WCD (6048) : APPROVE THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL

EXHIBIT "B"

DISTRICT's Insurance Requirements is as follows:

Without limiting or diminishing CITY's obligation to indemnify or hold DISTRICT harmless, CITY shall procure and maintain or cause to be maintained, at its sole cost and expense, the following insurance coverage's during the term of this Agreement. As respects to the insurance section only, the DISTRICT herein refers to the Riverside County Flood Control and Water Conservation District, the County of Riverside, its Agencies, Districts, Special Districts, and Departments, their respective directors, officers, Board of Supervisors, employees, elected or appointed officials, agents or representatives as Additional Insureds.

A. Workers' Compensation:

If CITY has employees as defined by the State of California, CITY shall maintain statutory Workers' Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employers' Liability (Coverage B) including Occupational Disease with limits not less than \$1,000,000 per person per accident. Policy shall be endorsed to waive subrogation in favor of DISTRICT.

B. Commercial General Liability:

Commercial General Liability insurance coverage, including but not limited to, premises liability, unmodified contractual liability, products and completed operations liability, personal and advertising injury, and cross liability coverage, covering claims which may arise from or out of CITY's performance of its obligations hereunder. Policy shall name the DISTRICT as Additional Insured. Policy's limit of liability shall not be less than \$2,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or be no less than two (2) times the occurrence limit.

C. Vehicle Liability:

If vehicles or mobile equipment are used in the performance of the obligations under this Agreement, then CITY shall maintain liability insurance for all owned, non-owned or hired vehicles so used in an amount not less than \$1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or be no less than two (2) times the occurrence limit. Policy shall name the DISTRICT as Additional Insureds.

D. Professional Liability:

CITY shall cause any architect or engineer retained by CITY in connection with the performance of CITY's obligations under this Agreement to maintain Professional Liability Insurance providing coverage for the performance of their work included within this Agreement, with a limit of liability of not less than \$2,000,000 per occurrence and \$4,000,000 annual aggregate. CITY shall require that, if such Professional Liability Insurance is written on a claims made basis rather than an occurrence basis, such insurance shall continue through the term of

EXHIBIT "B"

this Agreement and that such architect or engineer shall purchase at such architect or engineer's sole expense either 1) an Extended Reporting Endorsement (also known as Tail Coverage); or 2) Prior Dates Coverage from a new insurer with a retroactive date back to the date of, or prior to, the inception of this Agreement; or 3) demonstrate through Certificates of Insurance that such architect or engineer has maintained continuous coverage with the same or original insurer. Coverage provided under items: 1), 2) or 3) shall continue for the term specified in the insurance policy as long as the law allows.

E. General Insurance Provisions – All Lines:

- a. Any insurance carrier providing insurance coverage hereunder shall be admitted to the State of California and have an A.M. BEST rating of not less than an A: VIII (A: 8) unless such requirements are waived, in writing, by the DISTRICT Risk Manager. If the DISTRICT's Risk Manager waives a requirement for a particular insurer such waiver is only valid for that specific insurer and only for one policy term.
- b. The CITY must declare its insurance self-insured retention for each coverage required herein. If any such self-insured retention exceeds \$500,000 per occurrence each such retention shall have the prior written consent of the DISTRICT Risk Manager before the commencement of operations under this Agreement. Upon notification of self-insured retention deemed unacceptable to the DISTRICT, and at the election of the DISTRICT's Risk Manager, CITY's carriers shall either: 1) reduce or eliminate such self-insured retention with respect to this Agreement with DISTRICT, or 2) procure a bond which guarantees payment of losses and related investigations, claims administration, and defense costs and expenses.
- c. CITY shall cause their insurance carrier(s) or its contractor's insurance carrier(s), to furnish DISTRICT with 1) a properly executed original certificate(s) of insurance and certified original copies of endorsements effecting coverage as required herein; and 2) if requested to do so orally or in writing by the DISTRICT Risk Manager, provide original certified copies of policies including all endorsements and all attachments thereto, showing such insurance is in full force and effect. Further, said certificate(s) and policies of insurance shall contain the covenant of the insurance carrier(s) that a minimum of thirty (30) days written notice shall be given to the DISTRICT prior to any material modification, cancellation, expiration or reduction in coverage of such insurance. If CITY insurance carrier(s) policies does not meet the minimum notice requirement found herein, CITY shall cause CITY's insurance carrier(s) to furnish a 30-day Notice of Cancellation Endorsement.

EXHIBIT "B"

- d. In the event of a material modification, cancellation, expiration or reduction in coverage, this Agreement shall terminate forthwith, unless DISTRICT receives, prior to such effective date, another properly executed original certificate of insurance and original copies of endorsements or certified original policies, including all endorsements and attachments thereto, evidencing coverages set forth herein and the insurance required herein is in full force and effect. An individual authorized by the insurance carrier to do so on its behalf shall sign the original endorsements for each policy and the certificate of insurance.
- e. It is understood and agreed by the parties hereto that CITY's insurance shall be construed as primary insurance, and DISTRICT's insurance and/or deductibles and/or self-insured retentions or self-insured programs shall not be construed as contributory.
- f. If, during the term of this Agreement or any extension thereof, there is a material change in the scope of services or there is a material change in the equipment to be used in the performance of the scope of work which will add additional exposures (such as the use of aircraft, watercraft, cranes, etc.); or the term of this Agreement, including any extensions thereof, exceeds five (5) years, DISTRICT reserves the right to adjust the types of insurance required under this Agreement and the monetary limits of liability for the insurance coverages currently required herein, if, in the DISTRICT Risk Manager's reasonable judgment, the amount or type of insurance carried by CITY has become inadequate.
- g. CITY shall pass down the insurance obligations contained herein to all tiers of subcontractors working under this Agreement.
- h. The insurance requirements contained in this Agreement may be met with a program(s) of self-insurance acceptable to DISTRICT.
- i. CITY agrees to notify DISTRICT of any claim by a third party or any incident or event that may give rise to a claim arising from the performance of this Agreement.



Report to City Council

TO: Mayor and City Council

FROM: Melissa Walker, Acting Public Work Director/City Engineer

AGENDA DATE: January 3, 2023

TITLE: PEN21-0206 (TR 37725) – APPROVE TRACT MAP 37725 LOCATED AT THE SOUTHWEST CORNER OF KRAMERIA AVENUE AND PERRIS BOULEVARD. DEVELOPER: FPG SUN MORENO VALLEY 66, LLC

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Approve Tract Map 37725.
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

SUMMARY

This report recommends approval of Tract Map 37725, which is owned by FPG Sun Moreno Valley 66, LLC. Tract Map 37725 will subdivide five (5) lots into 64 residential lots and is located at the southwest corner of Krameria Avenue and Perris Boulevard.

DISCUSSION

On April 14, 2022, the Planning Commission of the City of Moreno Valley approved revised Tentative Tract Map 37725. The project involves the subdivision of five (5) 20.2-acre lot (gross) into 64 single-family residential lots located at the southwest corner of Krameria Avenue and Perris Boulevard. The Agreement for Public Improvements was recorded on October 13, 2022. Tract Map 37725 is in substantial conformance with the approved Tentative Tract Map. The developer has requested that the map be approved for recordation. Due to the size of the map, it is not attached to this report. However, the map is available for review at the Public Works/Land Development counter at City Hall.

ENVIRONMENTAL

On April 14, 2022, the Planning Commission of the City of Moreno Valley approved revised Tentative Tract Map 37725 (PEN21-0206). In accordance with the California Environmental Quality Act (CEQA) Guidelines, the Planning Commission determined that the project would not result in significant impacts on the environment. On April 14, 2021, Planning Division staff determined that the project was found to be consistent with the Mitigated Negative Declaration that was adopted on September 10, 2020 under the provisions of the California Environmental Quality Act (CEQA). In addition, no revisions or further analysis of the adopted Negative Declaration for Tentative Tract Map 37725 was required. Therefore, no subsequent environmental review is required.

ALTERNATIVES

1. Approve and authorize the recommended actions as presented in this staff report. *Staff recommends this alternative as it will allow the tract map to be recorded and allow the project to move forward with development of residential property and adjacent improvements.*
2. Do not approve and do not authorize the recommended actions as presented in this staff report. *Staff does not recommend this alternative as it will not allow the tract map to be recorded and not allow the project to move forward with development of residential property and adjacent improvements.*

FISCAL IMPACT

No fiscal impact is anticipated.

NOTIFICATION

Publication of agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Hoang Nguyen, P.E.
Associate Engineer II

Department Head Approval:
Melissa Walker, P.E.
Acting Public Works Director/City Engineer

Concurred By:
Clement Jimenez, P.E.
Principal Engineer

CITY COUNCIL GOALS

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

CITY COUNCIL STRATEGIC PRIORITIES

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

Objective 4.2: Develop and maintain a comprehensive Infrastructure Plan to invest in and deliver City infrastructure.

ATTACHMENTS

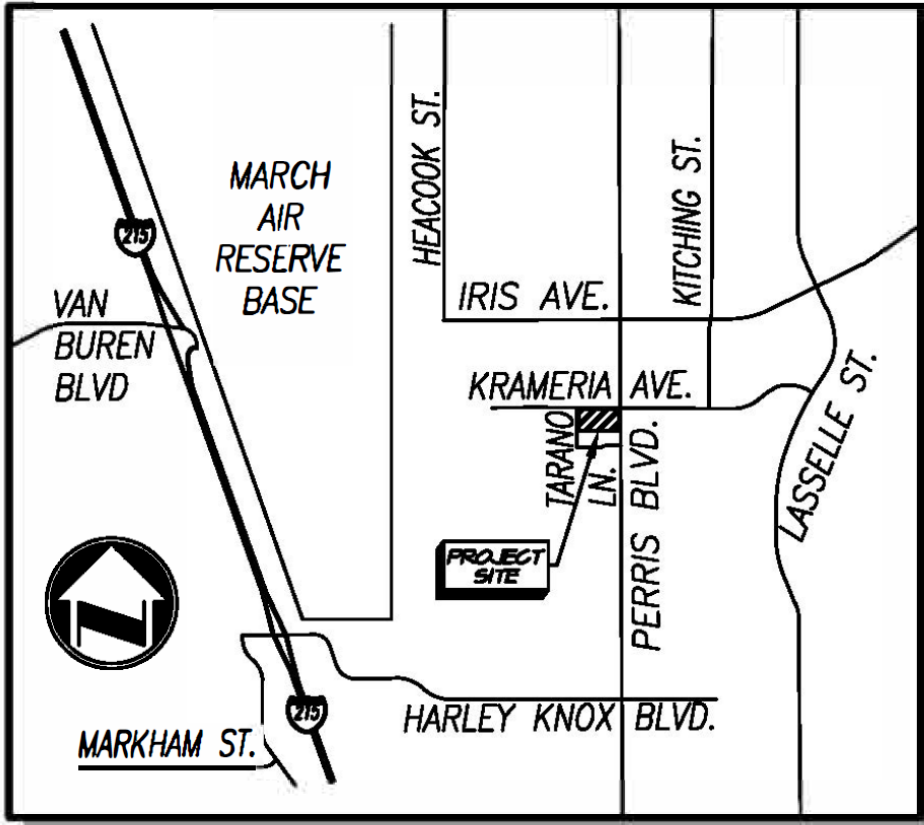
To view large attachments, please click your “bookmarks”  on the left hand side of this document for the necessary attachment.

- 1. Vicinity Map - PEN21-0206 (TR 37725)

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	12/22/22 3:55 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	12/22/22 4:00 PM

THOMAS BROS. GUIDE PAGE 747, GRID G3 & G4



VICINITY MAP



T35R3W SEC 30 E

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT

PEN21-0206 (TR 37725)
Final Map

Attachment: Vicinity Map - PEN21-0206 (TR 37725) (6047 : PEN21-0206 (TR 37725) - APPROVE TRACT MAP 37725)



Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, CMC, City Clerk

AGENDA DATE: January 3, 2023

TITLE: 2023 CITY COUNCIL COMMISSION, BOARD, AND INTER-AGENCY APPOINTMENTS

RECOMMENDED ACTION

1. Ratify the appointments to the various committees and regional bodies as noted on the 2023 Council Committee Participation List - terms end December 31, 2023.

SUMMARY

The previous Council Committee Participation appointments have come to their end. Mayor Cabrera has compiled the new 2023 Council Committee Participation appointments with the terms to end on December 31, 2023 (Attachment A).

NOTIFICATION

Publication of agenda.

CITY COUNCIL GOALS

None

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

ATTACHMENTS

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

- 1. 2023 Council Committee Participation

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	12/29/22 4:34 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	12/29/22 4:36 PM

REVISED 01/03/2023
MAYOR'S RECOMMENDATIONS
2023 COUNCIL COMMITTEE PARTICIPATION

**CITY COUNCIL ADVISORY
COMMISSIONS/BOARDS :**

	<i>Primary</i>	<i>Alternate</i>	<i>Term</i>	<i>When</i>	<i>Time</i>
Arts Commission	Cabrera	Barnard	12/31/2023	4th Wed. of each month	6:30 p.m.
Emerging Leaders Council	Cabrera	Barnard	12/31/2023	4th Mon. of each month	6:00 p.m.
Environmental and Historical Preservation Board	Marquez	Baca	12/31/2023	4th Mon. of each month	6:00 p.m.
Library Commission	Barnard	Baca	12/31/2023	3rd Thurs. of each month	7:00 p.m.
Parks, Community Services and Trails Committee	Cabrera	Delgado	12/31/2023	1st Thurs. of each month	5:30 p.m.
Senior Citizens' Board	Barnard	Marquez	12/31/2023	3rd Mon. of each month	3:00 p.m.
Traffic Safety Commission	Delgado	Marquez	12/31/2023	1st Wed. of each month	6:00 p.m.
Utilities Commission	Marquez	Delgado	12/31/2023	4th Wed. of each month	6:00 p.m.

CITY COUNCIL SUBCOMMITTEES :

Economic Development Subcommittee <i>Appoint 2 Primary</i>	Cabrera/ Delgado	Marquez	12/31/2023	2nd Tue. of each month	4:00 p.m.
Finance Subcommittee <i>Appoint 2 Primary</i>	Barnard/ Cabrera	Delgado	12/31/2023	4th Tue. of each month	3:45 p.m.
Citizens Public Safety Committee	Delgado	Cabrera	12/31/2023	4th Tue. of each month	3:00 p.m.
Public Safety Subcommittee* <i>Appoint 2 Primary</i>	Cabrera/ Delgado		12/31/2023	3rd Tue. of each month	2:45 p.m.
Parks and Community Services Council Committee <i>Appoint 2 Primary 2 Alternates</i>	Barnard/ Delgado		12/31/2023	1st Tue. of each month	3:00 p.m.

INTER-AGENCY:

March Joint Powers Commission (JPC) <i>Appoint 2 Primary</i>	Cabrera/ Delgado		12/31/2023	2nd & 4th Wed. of each month	3:00 p.m.
School Districts/City Joint Task Force <i>Appoint 2 Primary</i>	Cabrera/ Marquez		12/31/2023	3rd Tues. of each even numbered month	12:00 p.m.
Riverside County Habitat Conservation Agency (RCHCA)	Marquez	Barnard	12/31/2023	3rd Thurs. -Feb, May, June, Sept, Nov	11:30 a.m.
Riverside County Transportation Commission (RCTC)	Cabrera	Delgado	12/31/2023	2nd Wed. of each month	9:30 a.m.
Riverside Transit Agency (RTA)	Marquez	Cabrera	12/31/2023	4th Thurs. of each month	11:30 a.m.
Western Riverside Council of Governments (WRCOG)	Delgado	Cabrera	12/31/2023	1st Mon. of each month	2:00 p.m.
Western Riverside County Regional Conservation Authority (RCA)	Marquez	Baca	12/31/2023	1st Mon. of each month	12:30 p.m.



Report to City Council

TO: Mayor and City Council
 Mayor and City Council Acting in its Capacity as
 President and Members of the Board of Directors of the
 Moreno Valley Community Services District (CSD)

FROM: Jeremy Bubnick, Parks & Community Services Director

AGENDA DATE: January 3, 2023

TITLE: AUTHORIZE FISCAL YEAR 2023-24 CONTINUED
 FUNDING APPLICATION FOR CHILD CARE
 DEVELOPMENT PROGRAM FUNDS FROM THE
 CALIFORNIA DEPARTMENT OF SOCIAL SERVICES AND
 ACCEPT FUNDING TO OPERATE CHILD CARE
 SERVICES FOR FISCAL YEAR 2023-24 AND ADOPT A
 RESOLUTION TO CERTIFY APPROVAL OF THE
 GOVERNING BOARD

RECOMMENDED ACTION

Recommendations: That the City Council and CSD:

1. Authorize the submission of a Continued Funding Application (CFA) for Child Care Development Program Funds from the California Department of Social Services (CDSS) for fiscal year 2023-24; and
2. Upon approval of the CFA, authorize acceptance of Child Care Development Program funds in the approved amount and any subsequent amendments for Fiscal Year (FY) 2023-24 from the CDSS for the purpose of providing school-age child care and development services and authorize the Chief Financial Officer (CFO) to make minor modifications to the budget, based on the final contract amount (which could be more or less than estimated); and
3. Adopt Resolution No. CSD 2023-____. A resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, certifying approval of the governing board to enter into this transaction with the California Department of Social Services for providing child care and development services

and to authorize designated personnel to sign contract documents for FY 2023-24.

SUMMARY

This report recommends authorization to submit a Continued Funding Application (CFA) and upon approval of the CFA, acceptance of Child Care Development Program funds from CDSS to continue operation of A Child's Place licensed after-school child care program for school-age children during fiscal year 2023-24. This program is supported by Child Care Development Program funds, parent fees, and Child & Adult Care Food Program (CACFP) funds. Child Care Development Program operating funds are a combination of federal and state funding.

DISCUSSION

The focus of the initial program application submitted by the City of Moreno Valley Parks and Community Services Department was based on high demand evaluated by the Department within its own programs. This included the need for after-school care during the traditional school year and full day of child care on school vacation days. The program, called "A Child's Place," operates in five elementary schools: Armada, Creekside, Rainbow Ridge, and Sunnymead during the school year, and at Val Verde Academy during the school vacation days.

Since January 1997, "A Child's Place" has served income qualified families who meet the program criteria including those who are either employed, seeking employment or attending school or vocational training. The program serves 142 children ranging from ages 4 and 9 mos. through 12 years of age. The program fosters healthy social and emotional development of children by providing structured activities that are fun, educational and challenging for the children.

Programming consists of a daily nutritious snack, educational enrichment workshops, homework assistance, arts and crafts, indoor and outdoor games, and more. In addition, educational field trips, parent and me classes, and other informational sessions on topics such as healthy eating & nutrition, substance abuse, are offered throughout the year. The program works closely with parents and school site staff to incorporate applicable school rules into the program and provide emotional support for children.

A Child's Place operates Monday through Friday from 12:00 p.m. to 6:00 p.m. on school days and also during non-school days from 7:00 a.m. to 6:00 p.m.

ALTERNATIVES

1. Approve the recommendations as listed in this staff report. ***Staff recommends this alternative as it will allow for continued child care and development program services to school age children.***

2. Do not approve the recommendations as listed in this staff report. **Staff does not recommend this alternative.**

FISCAL IMPACT

There is no impact to the General Fund. The proposed Child Care Development funding reimburses the City based on eligible program expenditures. Revenue sources for the program include Federal and State funding, family program fees, and food program revenue. The amount of revenue and expenditures is estimated at \$827,000 for FY 23-24. Per recommendation item two above, the CFO will make the necessary budget adjustments based on the final contract amount received from the California Department of Social Services and other funding sources.

Description	Fund	GL Account No.	Type (Rev/Exp)	FY Budget 23/24	Proposed Adjustments	FY Amended Budget 23/24
Fed Grant- Operating Revenue	Child Care Grant	2201-50-92-75011-485000	Rev	\$0	\$827,000	\$827,000
Expenditures	Child Care Grant	2201-50-92-75011-xxxxxx	Exp	\$0	\$827,000	\$827,000

NOTIFICATION

Posting of the Agenda

PREPARATION OF STAFF REPORT

Prepared By:
Patty Yhuit
Sr. Management Analyst

Department Head Approval:
Jeremy Bubnick
Parks & Community Services Director

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development
2. Public Safety

- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

ATTACHMENTS

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

- 1. Resolution No. CSD 2023-____ for Child Dev Prog Funds CDSS

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	12/22/22 3:54 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	12/22/22 3:59 PM

RESOLUTION NO. CSD 2023-__

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING APPROVAL OF THE GOVERNING BOARD TO ENTER INTO THIS TRANSACTION WITH THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES FOR THE PURPOSE OF PROVIDING CHILD CARE AND DEVELOPMENT SERVICES AND TO AUTHORIZE DESIGNATED PERSONNEL TO SIGN CONTRACT DOCUMENTS FOR FY 2023-24

WHEREAS, the Moreno Valley Community Services District Board of Directors desires to provide school age child care services to the citizens of Moreno Valley during FY 2023-24; and

WHEREAS, the Moreno Valley Community Services District Board of Directors authorizes entering into local agreement with the State of California specifically with the California Department of Social Services for the purpose of providing child care and development services; and

WHEREAS, the Moreno Valley Community Services District Board of Directors authorizes the persons serving in the positions listed below to sign the transaction contract documents for the Governing Board

NAME	TITLE	SIGNATURE
Jeremy Bubnick	Parks & Community Services Director	
Donna Meester	Parks & Community Services Deputy Director	
Brian Mohan	Chief Financial Officer/City Treasurer	

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. Accept child development program funds from the California Department of Social Services, in the approved amount and any subsequent funding through future amendments to provide child care services for FY 2023-24; and

- 2. Adopt a resolution to certify the approval of the Governing Board to enter into a contract and any subsequent amendments for FY 2023-24, with the California Department of Social Services for the purpose of providing child care and development services; and
- 3. Authorize designated personnel to sign contract documents on behalf of the Governing Board for FY 2023-24.

APPROVED AND ADOPTED this 3rd day of January, 2023.

 Mayor of the City of Moreno Valley,
 acting in the capacity of President of the Board
 of Directors of the Moreno Valley Community
 Services District

ATTEST:

 City Clerk, acting in the capacity of
 Secretary of the Moreno Valley
 Community Services District

APPROVED AS TO FORM:

 City Attorney, acting in the capacity
 of General Legal Counsel of the Moreno
 Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, Jane Halstead, Secretary of the Moreno Valley Community Services District, Moreno Valley, California, do hereby certify that Resolution No. CSD 2023-_____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the 3rd day of January, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JANE HALSTEAD, SECRETARY

(SEAL)



Report to City Council

TO: Mayor and City Council

FROM: Manuel A. Mancha, Community Development Director

AGENDA DATE: January 3, 2023

TITLE: APPEAL OF PLANNING COMMISSION DENIAL OF GENERAL PLAN AMENDMENT, CHANGE OF ZONE, CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT, AND A TENTATIVE TRACT MAP 37858 TO SUBDIVIDE A 4.81-ACRE PROJECT SITE IN TO 37 SINGLE-FAMILY LOTS

RECOMMENDED ACTION

That the City Council consider the Appeal filed by RC Hobbs Company, (the “Appellant”) appealing the Planning Commission’s denial of the Appellant’s application for a General Plan Amendment (GPA), Change of Zone, Conditional Use Permit, and Tentative Tract Map to facilitate a 37-lot single-family residential Planned Unit Development (PUD), located North of Cactus Avenue, East of Moreno Beach Drive, and take any action the City Council deems appropriate.

Recommendations: That the City Council:

1. **ADOPT** Resolution No. 2022-XX, attached hereto, **DENYING** Appeal PAA22-0004.

OR

1. **ADOPT** Resolution No. 2022-XX, attached hereto:
 1. **ADOPTING** the Initial Study/Mitigated Negative Declaration prepared for General Plan Amendment (PEN20-0174), Change of Zone (PEN20-0175); Tentative Tract Map 37858 (PEN20-0172), and Conditional Use Permit (PEN20-0173) for a Planned Unit Development, on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission and City reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and

exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts; and

2. **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of a Conditional Use Permit (PEN20-0173) for a Planned Unit Development and Tentative Tract Map 37858 (PEN20-0172) pursuant to CEQA and the CEQA Guidelines.
2. **ADOPT** Resolution No. 2022-XX, attached hereto;
 1. **APPROVING** General Plan Amendment (PEN20-0174) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-XX and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment.
 2. **APPROVING** Conditional Use Permit (PEN20-0173) and Tentative Tract Map (PEN20-0172) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2022-XX.
 3. **INTRODUCE** Ordinance No. [next in order] approving Change of Zone (PEN20-0175) and corresponding amendment to the City's Zoning Atlas and the conditions of approval, based on the Recitals, Evidence and Findings contained in the Administrative Record of the proceedings.

BACKGROUND

On December 27, 2022, the City Council continued the proposed project to January 3, 2023, at the request of the Applicant.

The Appellant submitted applications for a General Plan Amendment (GPA), Change of Zone (CZ), Conditional Use Permit (CUP), and a Tentative Tract Map (TTM) to facilitate a 37-lot single-family residential Planned Unit Development (PUD) with 5 lettered lots on a 4.81-acre project site. The purpose of the PUD is to establish flexible standards to encourage innovation in housing types and provide amenities not generally found in suburban subdivisions, such as common open spaces and recreational areas. The GPA, along with the CZ, will allow for the change of the current land use designation from Residential 5 to Residential 10 and the zoning designation from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District, which allows for a maximum density of 10 dwelling units per acre. The GPA, CZ, CUP, and TTM together constitute the "Proposed Project".

The Proposed Project consists of a General Plan Amendment to change the existing land use designation to Residential (R10) with a Zone Change to change the zoning designation to Residential Single-Family 10 (RS10) District, as well as a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) and a Tentative Tract Map

(TTM) for a 4.81-acre site that will be subdivided into 37 single-family residential lots, on the Northside of Cactus Avenue, East of Moreno Beach Drive (“Project Site”).

On November 10, 2022, the Proposed Project was considered by the Planning Commission upon a duly noticed public hearing. The Planning Commission voted to deny the requested General Plan Amendment, which effectively resulted in rejecting the Proposed Project, since approval of the General Plan Amendment (PEN20-0174) is a prerequisite to approving the Proposed Project’s Change of Zone (PEN20-0175), Conditional Use Permit (PEN20-0173), and Tentative Parcel Map (PEN20-0172).

The General Plan Amendment was denied based on the following findings:

1. That the Proposed Project is inconsistent with the City’s current MoVal 2040 General Plan because the proposed density increase is inconsistent with the General Plan’s goals, objectives, policies and programs and does not comply with the applicable zoning standards.
2. The Proposed Project will adversely affect the public health, safety, or general welfare in that the increased density would result in increased traffic and potential for accidents, especially due to the proximity of the Proposed Project to highly trafficked roads.

Pursuant to MVMC Section 9.02.240 (Appeals), the Appellant has provided a letter attached to this report stating the specific reasons for the appeal and providing justification for: 1) the proposed projects consistency with the goals, objectives, policies and programs of the General Plan; and 2) how the Proposed Project will not adversely affect the public health, safety, or general welfare.

SCOPE AND STANDARD OF REVIEW:

Pursuant to Moreno Valley Municipal Code (MVMC) Section 9.02.040 (General Plan Amendments), the authority for approval of general plan amendments shall be vested in the City Council. However, Section 9.02.040 further provides that the Planning Commission’s action recommending disapproval of proposed general plan amendment, regardless of how such amendment was initiated, shall be final unless appealed to the City Council within fifteen (15) consecutive calendar days after the Planning Commission’s recommended disapproval. The Planning Commission’s action was taken on November 10, 2022, and the Appellant filed its appeal on November 17, 2022, within the 15-day appeal period.

Section 9.02.040 provides that the City Council may approve, approve with modifications, or disapprove any proposed General Plan Amendment. However, prior to any final City Council action regarding the General Plan Amendment, if there is any substantial modification proposed by the City Council that was not previously considered by the Planning Commission, the proposed substantial modification must first be referred to the Planning Commission for its recommendation.

Finally, if the City Council is inclined to approve the proposed General Plan Amendment (approving the appeal), it must make the following findings:

1. That the proposed General Plan Amendment is consistent with existing goals, objectives, policies and programs of the general plan; and
2. That the proposed General Plan Amendment will not adversely affect the public health, safety or general welfare.

PROJECT DESCRIPTION

The Proposed Project consists of a General Plan Amendment to change the existing land use designation to Residential (R10) with a Zone Change to change the zoning designation to Residential Single-Family 10 (RS10) District, as well as a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) and a Tentative Tract Map (TTM) for a 4.81-acre site that will be subdivided into 37 single-family residential lots, on the Northside of Cactus Avenue, East of Moreno Beach Drive.

General Plan Amendment

A General Plan Amendment (GPA) application was submitted to change the land use designation of the Project Site from Residential 5 (R5) to Residential 10 (R10). The R10 land use designation is intended to provide for a variety of residential products and to encourage innovation in housing types with amenities not generally found in suburban subdivisions, such as common open spaces and recreational areas. The R10 land use designation allows for a maximum density of 10.0 dwelling units per acre.

Change of Zone

A Change of Zone (CZ) application was submitted to rezone the Project Site from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District. Under the Proposed Project's current Residential (R5) District, a maximum of 5.0 units per gross acre is allowed, but as proposed the Proposed Project would allow for 7.9 units per gross acre. To obtain the desired units per gross acre a CZ is required to rezone the project site to Residential Single-Family 10 (RS10) District, which allows up to 10.0 units per gross acre, thereby allowing the proposed 7.9 units. The Residential Single-Family 10 (RS10) zoning district is intended to provide residential development on small single-family lots with amenities not generally found in suburban subdivisions and allows a maximum density of 10 units per acre.

Planned Unit Development

The Proposed Project includes a Conditional Use Permit (CUP) for a Planned Unit Development (PUD), which allows for the proposed development to establish unique criteria for such things as setbacks, lot width and depth, building separation, and lot size. Flexible development standards are allowed in exchange for a higher level of detail and amenities within the Proposed Project than typically are required for standard residential development. As proposed, the Proposed Project is consistent with the

standards of Moreno Valley Municipal Code (MVMC) Section 9.03.060, which outlines PUDs.

PUDs encourage housing that is varied by type, design, form of ownership, and size. The Proposed Project offers three architectural styles (Spanish, French, and Traditional) and floor plans with varying building designs and rooflines. The newly formed residential lots will range in size from 3,040 to 5,016 square feet.

Tentative Tract Map

The proposed Tentative Tract Map (TTM) 37858 has been designed consistent with the PUD standards and will subdivide three contiguous parcels totaling 4.81-acre, into 37 single-family residential lots and 4 lettered lots. As proposed, the lettered lots will be used for bioretention basins (Lots A and B), a 3-foot-wide drainage ditch (Lot C) located on the eastern property line, a landscape easement (Lot D) located along the south perimeter boundary line, and an open space lot (Lot E) located approximately in the middle of the proposed development. The Proposed Project complies with the City's development standards for a TTM.

Site/Surrounding Area

The Project Site is approximately 4.81-acres, located at the northeast corner of the intersection of Bradshaw Circle and Cactus Avenue.

Surrounding land uses to the north of the Proposed Project are developed with a combination of vacant and unimproved or developed with existing single-family residential dwellings within the Residential 5 (R5) District, Residential Single Family 10 (RS10) District, Residential 10 (R10) District, and Specific Plan 193 Medium Low Density Residential designation.

Access/Parking

The Proposed Project's vehicular access will be provided via two driveways on Bradshaw Circle, which then provide access to internal roadways. Access to the dwelling units will be provided by private driveways accessed by internal roads. The Proposed Project provides pedestrian paths for non-vehicular onsite circulation and for connection to existing sidewalks and bike lanes adjacent to the Proposed Project.

The Proposed Project will also provide garages, driveways, and on-street parking. Each residence includes a two-car garage, with a minimum of two driveway parking spaces.

Design/Landscaping

The PUD guidelines will include three different two-story floor plans and three different architecture styles: Spanish, French, or Traditional, with multi-level rooflines, and an earth-tone color scheme. Exterior designs will include stucco finishes, detailed roof elements, awnings, metal railings, and decorative windows and doors.

The PUD includes typical plot plan configurations for the new homes and typical front yard landscaping. The HOA shall perform all common area maintenance to ensure well-maintained appearance of the streetscapes throughout the Project Site. A conceptual landscape plan incorporated in the PUD shows the typical street trees along all public streets, shade trees around the 10,983 square-foot of common/recreation area located near the center of the residential development. The amenities for this recreation area include a basketball court, an outdoor gathering area with barbeque grills and benches, a playground, and enhanced landscape walkways.

Outdoor lighting will consist of wall-mounted lighting as well as pole-mounted lights along the proposed internal roads. And the proposed common/recreation area will have accent/security lighting throughout.

REVIEW PROCESS

All appropriate outside agencies have considered the Proposed Project part of the standard review process. 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 Proposed Project was determined to be complete.

ENVIRONMENTAL

An Initial Study was prepared by EPD Solutions, Inc. in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study examined the potential impacts of the Proposed Project. The Initial Study/Mitigated Negative Declaration (IS/MND) provides information in support of the finding that a Mitigated Negative Declaration (MND) serves as the appropriate CEQA documentation for the Proposed Project. With the implementation of the proposed mitigation measures, the Proposed Project will not have a significant effect on the environment. Technical studies prepared in support of the IS/MND include the following: CalEEMod Emissions Summary, Habitat Assessment and Focused Burrowing Owl Surveys and MSHCP Consistency, Phase I Cultural Resources Investigation and Paleontological Overview, Preliminary Soil Investigation, Infiltration Tests and Liquefaction Evaluation Report, Phase I Environmental Site Assessment, Preliminary Hydrology Report, Preliminary Project Specific Water Quality Management Plan, Noise Impact Analysis, and Trip Generation and VMT Screening Analysis. Copies of the appendices to the IS/MND can be accessed from the link attached to this staff report. The documents may also be reviewed at City Hall.

Mitigation measures are recommended for the Proposed Project in the following areas: Biological Resources, Cultural Resources, and Tribal Cultural Resources, all of which are incorporated in the Mitigation Monitoring and Reporting Program (MMRP). The measures for cultural resources have been included to address input from the Tribal governments. The measures are intended to ensure that potential cultural 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 a significant impact to the environment.

The public comment period for the Notice of Availability of the Initial Study/Mitigated Negative Declaration began on October 13, 2022 and ended on November 2, 2022 (State Clearing House Number 2022100288), which satisfies the required 20-day review period required for the Proposed Project. As of the preparation of this staff report, no comments have been received regarding the environmental documents.

REVIEW AGENCY COMMENTS

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

ALTERNATIVE

1. Uphold the Planning Commission's decision to deny the Proposed Project.
2. Overrule the Planning Commission's decision; adopt the Resolution adopting the Initial Study/Mitigated Negative Declaration and Mitigation monitoring and Reporting Program; adopt the Resolution approving General Plan Amendment (PEN20-0174); adopt the Ordinance approving Change of Zone (PEN20-0175); adopt the Resolution approving Conditional Use Permit (PEN20-0173) and Tentative Tract Map (PEN20-0172) based on the findings set forth in the above-reference Resolutions and the Administrative Record.

NOTIFICATION

Consistent with the City Municipal Code provisions, public notice was sent to all property owners of record within 600 feet of the Project Site, posted on the Project Site, and published in the Press Enterprise Newspaper, in accordance with Government Code 65905. As of the preparation of this staff report, one public comment has been received regarding the proposed project.

FISCAL IMPACT

Not Applicable

PREPARATION OF STAFF REPORT

Prepared By:
Danielle Harper-Scott
Associate Planner

Department Head Approval:
Manuel A. Mancha
Community Development Director

Concurred By:
Sean P. Kelleher
Planning Official

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

CITY COUNCIL STRATEGIC PRIORITIES

1. **Economic Development**
2. **Public Safety**
3. **Library**
4. **Infrastructure**
5. **Beautification, Community Engagement, and Quality of Life**
6. **Youth Programs**

ATTACHMENTS

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

1. Appeal Letter
2. Resolution No. 2022-XX - Denying Appeal PAA22-0004
3. Resolution No. 2022-XX - Initial Study MND
4. Exhibit A to Resolution No. 2022-XX - Initial Study MND
5. Appendix A - CalEEMod Emission Summary
6. Appendix B - Habitat Assessment & Focused Surveys
7. Appendix C - Cultural Assessment
8. Appendix D - Preliminary Soil Investigation
9. Appendix E - Phase I Environmental Site Assessment
10. Appendix F - Preliminary Hydrology Report
11. Appendix G - Preliminary WQMP
12. Appendix H - Noise Impact Analysis
13. Appendix I - Trip Generation & VMT Memo
14. Exhibit B to Resolution No. 2022-XX - Notice of Intent to Adopt a Mitigated Negative Declaration (MND)
15. Exhibit C to Resolution No. 2022-XX - Mitigation Monitoring and Reporting Program (MMRP)

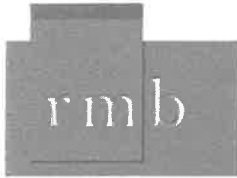
- 16. Resolution No. 2022-XX - Approving Appeal PAA22 0004
- 17. Ordinance No. XXX - Change of Zone
- 18. Project Plans
- 19. Planning Commission Public Comments
- 20. Continuance Request for December 27, 2022 City Council Meeting

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	12/13/22 6:08 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	12/14/22 8:54 AM

HISTORY:

12/20/22 City Council CONTINUED
 Next: 01/03/23



robert m. beers pe

PROJECT APPEAL LETTER

Thursday, November 17, 2022

City of Moreno Valley
Mr. Manuel Mancha
Community Development Director
14177 Frederick Street
Moreno Valley, CA 92533

Re: Planning Commission Denial of PEN 20-0172 (GPA – ZC – TTM - PUD)
Bradshaw Street property in the City of Moreno Valley
TTM 37858

Dear Mr. Mancha:

On behalf of RC Hobbs Companies, we are filing an appeal to be heard by City Council regarding the denial of our project by the City of Moreno Valley Planning Commission this past Thursday, November 10, 2022.

The Planning Commission made findings that:

- The proposed Change of Zone and General Plan amendment are not consistent with the goals, objectives, policies and programs of the General Plan; and
- The proposed Change of Zone and General Plan amendment would adversely affect the public health, safety or general welfare.

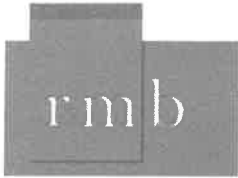
During the deliberations by the Planning Commission, the individual Planning Commissioners all commented on the project in the positive, stating that they liked the land plan, the architecture, and the smaller lot sizes for the project, as that would enable the future homes to be more affordable than new homes on conventional R5 lots. The issue of affordability is an ongoing concern in the California Real Estate market, and innovative projects like our project are absolutely consistent goals, objectives, policies and programs of the General Plan and would not adversely affect the public health, safety or general welfare.

The City Council has previously approved two other single family tentative maps along Bradshaw Circle (PEN 18-005 & Pen18-0154), both of which were conditioned to complete the frontage street improvements for Bradshaw Circle to Public Standards and offer the Bradshaw Street Right-of-Way to the City of Moreno Valley for public street and utility purposes..

Our project was specifically conditioned to complete not only the street improvements along our frontage along Bradshaw Circle, but also the curb and gutter improvements on the other side of the street which has existing homes (2 total).

We request the City Council consider our proposed project under this appeal at a future City Council Hearing.

5172 Queen Street
Riverside, CA 92506
(951) 317-2041



robert m. beers pe

It appeared to us that there was a misunderstanding on the planning commissions part regarding the status of the existing Bradshaw Circle street improvements and right-of-way. Bradshaw Circle along our property frontage was created by PM 8114 which recorded on August 5, 1977. An offer of dedication for public street and utility purposes was made for the Bradshaw Circle Right-of-Way to the County of Riverside, but not accepted as the street was not improved to County Standards.

Bradshaw Circle right-of-way subsequently offered again for dedication for public street and utility purposes by two subsequent Parcel Maps, PM 11822 recorded October 11, 1978, and PM 16636 recorded September 23, 1981

City Staff stated that the street improvements would not be accepted for public maintenance until all of the street improvements are completed to current City Standards. Until such time, each underlying property is responsible for the maintenance of the street improvements. In our case, we proposed an HOA with 37 lots to maintain the portion of Bradshaw Circle adjacent to our property.

The purpose of a PUD is to establish flexible standards to encourage innovation in housing types and provide amenities not generally found in suburban subdivisions, such as common open space and recreational areas. Our project meets all of the objective criteria of a PUD and we encourage the City Council to reconsider this project approval.

Please call me if you have any questions regarding these items.

Sincerely,

Robert M. Beers, PE

RESOLUTION NUMBER 2022-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DENYING THE APPEAL PAA22-0004 OF THE PLANNING COMMISSION'S DENIAL OF GENERAL PLAN AMENDMENT PEN20-0174 TO AMEND THE GENERAL PLAN LAND USE MAP, CHANGING THE LAND USE DESIGNATION FROM RESIDENTIAL 5 (R5) TO RESIDENTIAL 10 (R10) FOR THE PROPERTY LOCATED ON THE NORTHEAST SIDE OF CACTUS AVENUE EAST OF MORENO BEACH DRIVE (APN'S 478-090- 018, 478-090-024, AND 478-090-025)

WHEREAS, the City of Moreno Valley ("City") is a general law city and a municipal corporation of the State of California, and has the authority to approve amendments to the City's General Plan and the City's Zoning Atlas; and

WHEREAS, RC Hobbs Company ("Applicant") is proposing the development of a thirty-seven (37) lot, single-family residential development on 4.81 acres, commonly known as the Bradshaw Collection (the "Proposed Project"); and

WHEREAS, the proposal is to construct the Proposed Project on land situated on the northeast side of Cactus Avenue east of Moreno Beach Drive (APN 478-090-018, 478-090-024, and 478-090-025) ("Project Site"); and

WHEREAS, in part, the Applicant has filed an application for the approval of General Plan Amendment PEN20-0174 ("Application") requesting an amendment to the Moreno Valley General Plan from Residential 5 (R5) to Residential 10 (R10), which shall also require any necessary and corresponding amendments to the City's Zoning Atlas to reflect that zoning classification and/or redistricting of the Project Site shall retain consistency between the Zoning Atlas and the General Plan land use designations; and

WHEREAS, on November 10, 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, on November 10, 2022, the Planning Commission denied the proposed General Plan Amendment finding it inconsistent with the City's General Plan; and would adversely affect the public health, safety or general welfare; and

WHEREAS, the Applicant timely filed an appeal of the Planning Commission's denial of the Proposed Project; and

WHEREAS, on December 20, 2022, the City Council conducted a duly noticed public hearing on the appeal of the Planning Commission's denial of the Proposed Project, and considered the Proposed Project's Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program; and

WHEREAS, on December 20, 2022, upon a duly noticed public hearing the City Council afforded all interested persons an opportunity to testify and to present evidence; and

WHEREAS, on December 20, 2022, the City Council denied the Appeal (PAA22-0004) of the Planning Commission's denial of General Plan Amendment (PEN20-0174) finding the General Plan Amendment inconsistent with the existing goals, objectives, policies and programs of the General Plan; and would adversely affect the public health, safety or general welfare.

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

Section 1. Recitals and Exhibits

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

Section 2. Evidence

That the City Council has considered all the evidence submitted into the Administrative Record related to the Project, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) The Moreno Valley General Plan amendment changing the land use designation from Residential 5 (R5) to Residential 10 (R10) and all other relevant provisions contained therein as shown on Exhibit A;
- (d) Application for the approval of a General Plan Amendment PEN20-0174 and all documents, records and references contained therein;
- (e) Staff Report prepared for the Planning Commission and City Council's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearings;
- (f) Testimony and/or comments from Applicant and its representatives during the public hearings; and
- (g) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the public hearings.

Section 3. Findings

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the City Council hereby finds as follows:

- (a) The requested General Plan Amendment is inconsistent with the existing goals, objectives, policies and programs of the General Plan; and
- (b) The proposed General Plan amendment will adversely affect the public health, safety or general welfare.

Section 4. Denial of Appeal.

That based on the foregoing Recitals, Administrative Record and Findings, the City Council hereby denies the appeal of the Planning Commission's denial of a General Plan Amendment (PEN20-0174) to amend the General Plan Land Use Map, changing the land use designation from Residential 5 (R5) to Residential 10 (R10), and thereby denying the entire Proposed Project which is contingent upon the approval of the General Plan amendment.

Section 5. Repeal of Conflicting Provisions

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

Section 6. Severability

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

Section 7. Effective Date

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

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PASSED AND ADOPTED THIS ____ day of _____, 2022.

CITY OF MORENO VALLEY
CITY COUNCIL

Ulises Cabrera,
Mayor of the City of Moreno Valley

ATTEST:

Jane Halstead,
City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Attachment: Resolution No. 2022-XX - Denying Appeal PAA22-0004 [Revision 3] (6019 : Bradshaw Collection)

RESOLUTION NUMBER 2022-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR BRADSHAW COLLECTION PROJECT LOCATED ON THE NORTHEAST SIDE OF CACTUS AVENUE EAST OF MORENO BEACH DRIVE (APN'S 478-090-018, 478- 090-024, AND 478-090-025)

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 projects that are subject to requirements of the California Environmental Quality Act (CEQA¹) and CEQA Guidelines²; and

WHEREAS, RC Hobbs Company ("Applicant") has submitted applications for the Bradshaw Collection project which includes the proposed development of a 37 single-family lot residential project with associated public improvements ("Proposed Project"), located on the north side of Cactus Avenue east of Moreno Beach Drive on approximately 4.81 acres (APN 478-090-018, 478-090-024, and 478-090-025) ("Project Site"); and

WHEREAS, the Proposed Project includes the General Plan Amendment (GPA) (PEN20-0174), Change of Zone (PEN20-0175), a Conditional Use Permit (PEN20-0173) for a Single-Family Planned Unit Development, and a Tentative Tract Map (PEN20-0175, and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment (PEN20-0174); and

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

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was duly noticed and circulated for public review for a period of 30 days commencing on October 13, 2022, through November 2, 2022; and

WHEREAS, in compliance with CEQA and the CEQA Guidelines, a Mitigation Monitoring and Reporting Program ("MMRP"), which is a program for reporting and monitoring the Proposed Projects' mitigation measures, was prepared for the Proposed Project and circulated with the Mitigated Negative Declaration; and

WHEREAS, on November 10, 2022, upon a duly noticed public hearing was

¹ Public Resources Code §§ 21000-21177

² 14 California Code of Regulations §§15000-15387

conducted by the Planning Commission to consider the approval of the Proposed Project; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission voted 5-1 to deny the General Plan Amendment, thereby denying the entire Proposed Project, which was contingent upon the approval of the General Plan amendment; and

WHEREAS, the applicant filed a timely Appeal Application (PAA22-0004) appealing the Planning Commission’s denial of General Plan Amendment PEN20-0174: and

WHEREAS, on December 20, 2022, a duly noticed hearing was conducted by the City Council to consider the Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and the Proposed Project; and

WHEREAS, at the conclusion of the public hearing, in the exercise of its own independent judgment, the City Council determined that the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program will reduce the Proposed Project’s potential environmental 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 which would otherwise require the preparation and certification of an Environmental Impact Report.

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

Section 1. Recitals and Exhibits

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

Section 2. Evidence

That the City Council has considered all of the evidence submitted into the administrative record for the MND and MMRP, including, but not limited to, the following:

- (a) Initial Study/ Mitigated Negative Declaration prepared for the Proposed Project, attached hereto as Exhibit A;
- (b) Notice of Intent to Adopt a Mitigated Negative Declaration, attached hereto as Exhibit B;
- (c) Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C;
- (d) Staff Reports prepared for the Planning Commission and City Council’s consideration and all documents, records and references related thereto, and Staff’s presentation at the public hearings;
- (e) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the public hearings.

Section 3. Findings

Attachment: Resolution No. 2022-XX - Initial Study MND [Revision 5] (6019 : Bradshaw Collection)

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

- (a) That all environmental impacts of the Proposed Project, with the mitigation measures set forth in the MMRP, have been reduced to levels of insignificance and there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment that would otherwise require the preparation and certification of an Environmental Impact Report;
- (b) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been completed in compliance with CEQA and CEQA Guidelines and are consistent the City's Rules and Procedures for the Implementation of the California Environmental Quality Act;
- (c) That the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program represent the independent judgment and analysis of the City as 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, Administrative Record and Findings, the City Council hereby adopts the IS/MND attached hereto as Exhibits A, respectively, and the MMRP attached hereto as Exhibit C.

Section 5. Repeal of Conflicting Provisions

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

Section 6. Severability

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

Section 7. Effective Date

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

Section 8. Certification

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

PASSED AND ADOPTED THIS 20th day of December 2022

CITY OF MORENO VALLEY
CITY COUNCIL

Dr. Yxstian A. Gutierrez,
Mayor of the City of Moreno Valley

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

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

Attachment: Resolution No. 2022-XX - Initial Study MND [Revision 5] (6019 : Bradshaw Collection)

Exhibit A

INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

Attachment: Resolution No. 2022-XX - Initial Study MND [Revision 5] (6019 : Bradshaw Collection)

Exhibit B

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Attachment: Resolution No. 2022-XX - Initial Study MND [Revision 5] (6019 : Bradshaw Collection)

Exhibit C

MITIGATION MONITORING AND REPORTING PROGRAM

Attachment: Resolution No. 2022-XX - Initial Study MND [Revision 5] (6019 : Bradshaw Collection)

Exhibit A

INITIAL STUDY / MITIGATED NEGATIVE DECLARATION



CITY OF MORENO VALLEY

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE CACTUS & BRADSHAW RESIDENTIAL PROJECT (TTM 37858)



**TTM 37858 Project - Case Numbers PEN20-0172 (Tentative Tract Map), PEN20-0174 (General Plan Amendment), PEN20-0175 (Change of Zone), PEN20-0173 (Conditional Use Permit)
October 13, 2022**

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

Prepared By
EPD Solutions, Inc.
2355 Main Street, Suite 100
Irvine, CA 92614 (949) 794-1180

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MITIGATION MONITORING AND REPORTING PROGRAM (Separate Document)

APPENDICES (Separate Documents)

- A CalEEMod Emissions Summary
- B Habitat Assessment and Focused Burrowing Owl Surveys and MSHCP Consistency
- C Phase I Cultural Resources Investigation and Paleontological Overview
- D Preliminary Soil Investigation
- E Phase I Environmental Site Assessment
- F Preliminary Hydrology Report
- G Preliminary Project Specific Water Quality Management Plan
- H Noise Impact Analysis
- I Trip Generation and VMT Screening Analysis



INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR CACTUS & BRADSHAW RESIDENTIAL PROJECT (TTM 37858)

MITIGATED NEGATIVE DECLARATION

Project Name: Cactus & Bradshaw Residential Project (TTM 37858)

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

Mitigation measures necessary to avoid the potentially significant effects on the environment are included in the attached Initial Study, which is hereby incorporated and fully made part of this Mitigated Negative Declaration. The City of Moreno Valley has hereby agreed to implement each of the identified mitigation measures, which would be adopted as part of the attached Mitigation Monitoring and Reporting Program.

BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Project Case Number(s):** PEN20-0172 (Tentative Tract Map), PEN20-0174 (General Plan Amendment), PEN-0175 (Change of Zone), PEN20-0173 (Conditional Use Permit)
2. **Project Title:** Cactus & Bradshaw Residential Project (TTM 37858)
3. **Public Comment Period:** October 13, 2022, through November 2, 2022
4. **Lead Agency:** City of Moreno Valley
Mindy Davis, Planning Department
14177 Frederick Street
Moreno Valley, California 92552
(951) 413-3209
mindyd@moval.org
5. **Documents Posted At:** <http://www.moval.org/cdd/documents/about-projects.html>
6. **Prepared By:** Konnie Dobreva, JD
Meaghan Truman
EPD Solutions, Inc.
2355 Main Street, Suite 100, Irvine, California 92614
(949) 794-1180
7. **Project Sponsor:**

Applicant/Developer
RC Hobbs Company
1428 Chapman Avenue
Orange, CA 92866

8. **Project Location:** The project site is located on approximately 4.81 acres at the northeast corner of the intersection of Bradshaw Circle and Cactus Avenue in the eastern portion of the City of Moreno Valley (project site). The City of Moreno Valley (City) encompasses approximately 52 square miles of land within Riverside County and is bounded by the City of Riverside to the east; the City of Perris and Lake Perris State Recreation Area to the south; the Badlands mountain range and City of Beaumont to the east; and the Box Springs Mountains range and the City of Redlands (within San Bernardino County) to the north. See Figure 1, *Regional Location*.

Regional access to the project site is provided by State Route 60 (SR-60) and Interstate 215 (I-215). Local access to the project site is provided by Moreno Brach Drive and Cactus Avenue. The project site is located within the U.S. Geological Survey (USGS) Sunnymead 7.5 Minute Series Topographic Quadrangle.

9. **General Plan Designation:** Residential (5 du/ac)

Residential 5: The primary purpose of areas designated Residential 5 is to provide for single-family detached housing on standard sized suburban lots at a density of 5 dwelling units per acre.

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

11. **Existing Zoning:** Residential 5 District (R5)

Residential 5 District: The primary purpose of the R5 district is to provide for residential development on common sized suburban lots. This district is intended as an area for development of single-family residential and mobile home subdivisions at a maximum allowable density of 5 dwelling units per acre, as indicated in Section 9.03.020 of the Moreno Valley Municipal Code (MVMC).

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

	Land Use	General Plan	Zoning
Project Site	Vacant	Residential: 5 max du/ac (R5)	Residential 5 (R5) District
North	Single-Family Residential	Residential: Max. 5 du/ac (R5)	Residential 5 (R5) District
South	Single-Family Residential	Residential: Max. 10 du/ac (R10)	Suburban Residential (SP 193 ML)
East	Vacant/Undeveloped	Commercial (C) Residential/Office (R/O)	Residential Single-Family 10 (RS10) District
West	Vacant/Undeveloped, Single-family Residential	Residential: Max. 10 du/ac (R10)	Commercial (CC) Residential 15 District (R15)

13. **Description of the Site and Project:**

Environmental Setting

Existing Project Site

The approximately 4.81-acre project site consists of three parcels (APNs 478-090-018, 478-090-024, and 478-090-025) and is comprised of vacant and graded lots. Vehicular access to the site is provided by Bradshaw Circle and Cactus Avenue as shown on Figure 2, *Local Vicinity*, and Figure 3, *Aerial*. The perimeter of the site is partially secured by a chain-link fence along the perimeter of the site.

Existing vegetation at the project site consists of a dense cover of grasses as well as one Palo Verde and one Palm Tree. The topography of the project site is relatively flat with a gentle slope of less than one percent across the site.

Existing Land Use and Zoning Designations

As shown on Figure 4, *General Plan Designation*, the project site currently has a General Plan land use designation of Residential: Max. 5 du/ac (R5). The primary purpose of areas designated Residential 5 is to provide for single-family detached housing on standard sized suburban lots. The maximum allowable density is 5 dwelling units per acre.

As shown on Figure 5, *Zoning Map*, the project site is currently zoned Residential 5 District (R5). The primary purpose of the R5 district is to provide for residential development on common sized suburban lots. This district is intended as an area for development of single-family residential and mobile home subdivisions at a maximum allowable density of five dwelling units per net acre, as indicated in MVMC Section 9.03.020.

Project Description

Introduction

The proposed project would develop 37 single-family residential lots, onsite roadways with sidewalks, drainage infrastructure, and open space lots on the 4.81-acre project site (project). Figure 6, *Conceptual Site Plan*, illustrates the proposed site configuration following project implementation, and Figure 7, *Wall and Fence Plan*, shows the proposed walls and fencing for the project.

As the project proposes a residential density of 7.9 dwelling units per acre, the project requires a General Plan Amendment to change the site's land use designation from Residential: Max. 5 du/ac (R5) to Residential: Max. 10 du/ac (R10) and a Change of Zone from Residential 5 District (R5) to Residential Single-Family 10 (RS10) District. The project also requires approval of a Tentative Tract Map (TTM 37858) and a Conditional Use Permit (CUP) for a Planned Unit Development (PUD).

Project Characteristics

The project proposes a total residential lot area of 136,045 SF. The single-family residences would range in size from 1,864 SF to 2,526 SF with a minimum lot size of 3,095 SF. The project proposes three distinct three- to four-bedroom floor plans, private yards, and two-car garages for the residential lots. In addition to the residential lots, the project proposes lots designated for open space and drainage purposes. Two bioretention drainage basins (Lot A and Lot B) are located along the western portion of the project site and a linear 3-foot-wide drainage ditch (Lot C) is located along the eastern property line. An approximately 10,982 SF recreation – open space lot (Lot D) is located near the center of the residential development, which would include landscaping, walkways, and seating

areas. New walkways are also proposed throughout the residential development. The project would provide private yards within the single-family residential lots. The project would include a total of 15,961 SF of open space.

Architectural Design

The proposed single-family residences would be designed with Spanish, French, and Cottage architectural elements, multi-level rooflines, and an earth tone color scheme. In addition, the residences would incorporate stucco finishes, detailed roof elements, awnings, metal railings, and decorative windows and doors in the exterior design. Enhanced elevations would be incorporated where building sides or rears are visible from streets. The tallest roofline of the two-story residences would be less than 30 feet in height.

The proposed two-story single-family residences would include three different floor plans and two different architectural styles to provide aesthetic variation throughout the community. Plan 1, Plan 2, and Plan 3 homes would include a traditional two-story home design with either Spanish or French architectural elements.

Access and Circulation

Vehicular access to the project site would be provided via two driveways on Bradshaw Circle, which would provide access to the community's internal roadways. The single-family residences would be accessed by private driveways along the internal roadways, as shown on Figure 6, *Conceptual Site Plan*. The project also includes pedestrian paths to provide for non-vehicular onsite circulation and for connection to existing sidewalks and bike lanes adjacent to the proposed project.

The proposed project would provide garage, driveway, and on-street parking. Each residence would have a two or three car garage depending on floor plan and a minimum of two driveway parking spaces.

Landscaping

Landscaping proposed as part of the project would consist of drought-tolerant ornamental trees, shrubbery, and groundcover. Turf would be provided in active use areas in common open spaces. The landscape plan would be consistent with the City's landscape and irrigation design standards, as provided in MVMC Section 9.17.030. Figure 8, *Landscape Plan*, illustrates the proposed landscaping for the project.

Lighting

Outdoor lighting included as part of future development on the project site would be typical of single-family residential PUDs and would consist of wall-mounted lighting as well as pole-mounted lights along the proposed internal roadways. Nighttime lighting would be used as accent/security lighting in the park area. The project's outdoor lighting would be directed downward and shielded to minimize off-site spill. The location of all exterior lighting would comply with lighting standards established in the MVMC.

Infrastructure Improvements

Water and Sewer

The proposed project would install a new 8-inch diameter sewer line and 8-inch diameter water line within the project's proposed onsite private streets and within Bradshaw Circle where these new lines would connect to an existing 21-inch diameter sewer line and 12-inch diameter water line, respectively, within Cactus Avenue.

Drainage

In the existing condition, the topography of the project site is relatively flat with a small elevation change towards Bradshaw Circle. The project site's current surface runoff generally sheet flows to the southwest. In the developed condition, onsite flows would be conveyed to one of two onsite water quality bioretention basins (Lots A and B), and both of these basin lots would connect to a new 24-inch diameter storm drain in Bradshaw Circle that would connect to the existing Storm Drain Line F-4 within Cactus Avenue that is operated by the Riverside County Flood Control and Water Conservation District (RCFC).

Parcel Consolidation

The project would consolidate the three existing parcels (APNs 478-090-018, 478-090-024, and 478-090-025) into one Tentative Tract Map. Existing parcels in the project vicinity would not be impacted by the proposed parcel consolidation.

GENERAL PLAN AND ZONING

As discussed, the project requires a General Plan Amendment to change the designation of the site to Residential: Max. 10 du/ac (R10) and Change of Zone to Residential Single-Family 10 (RS10) District in order to implement the project, which proposes single-family residential uses at a density of 7.9 dwelling units per acre. MVMC Section 9.03.020 states that the primary purpose of the Residential Single-Family 10 (RS10) District is to provide for residential development on small single-family lots with amenities not generally found in suburban subdivisions. The district is intended for subdivisions at a maximum allowable density of ten (10) dwelling units per net acre.

Following approval of the General Plan Amendment and Change of Zone, the project would be consistent with the land use designation and zoning classification associated with the project site.

As a result of project implementation, all other off-site land use designations and zoning classifications in the project vicinity would remain the same as under existing conditions.

CONSTRUCTION DURATION AND ZONING

Construction activities include demolition of the existing structures, pavement, and the existing utility infrastructure; grubbing, grading, excavation and re-compaction of soils; utility and infrastructure installation; building construction; roadway pavement; and architectural coatings. Approximately 8,097 cubic yards of soil is proposed to be exported during grading activities.

Construction activities for the project would occur over 12 months and would begin in 2023 with the opening for project occupancy in 2024. Construction activities would occur in the following stages: site preparation, grading, building construction, architectural coating, and paving. Pursuant to the MVMC Chapter 8.14.040, construction activities would be limited to between the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday, excluding holidays and from 8:00 a.m. to 4:00 p.m. on Saturday, unless written approval is obtained from the City building official or City engineer.

DISCRETIONARY APPROVALS

In accordance with Sections 15050 and 15367 of the *State CEQA Guidelines*, the City is the designated Lead Agency for the proposed project and has principal authority and jurisdiction for CEQA actions and project approval. Responsible Agencies are those agencies that have jurisdiction or authority over one or more aspects associated with the development of a proposed project and/or mitigation. Trustee Agencies are State agencies that have jurisdiction by law over natural resources affected by a proposed project.

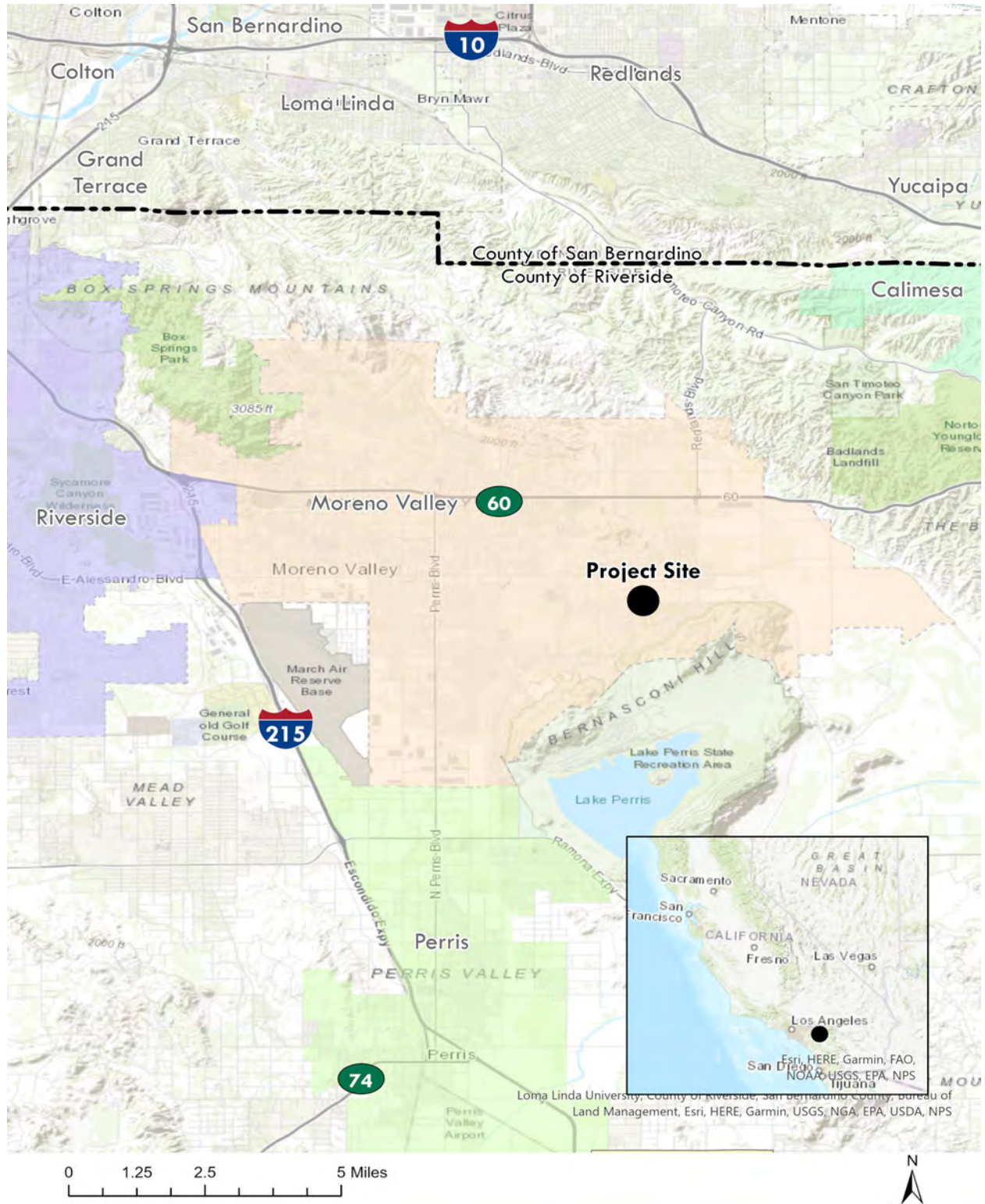
The following discretionary approvals by the City, as Lead Agency, are anticipated to be necessary for implementation of the proposed project:

CITY OF MORENO VALLEY

- General Plan Amendment to change the site's land use designation from Residential: Max. 5 du/ac (R5) to Residential: Max. 10 du/ac (R10)
- Change of Zone from Residential 5 District (R5) to Residential Single-Family 10 (RS10) District
- Approval of Tentative Tract Map (TTM 37858)
- Approval of a Conditional Use Permit (CUP) for a Planned Unit Development (PUD)

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Regional Location



Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

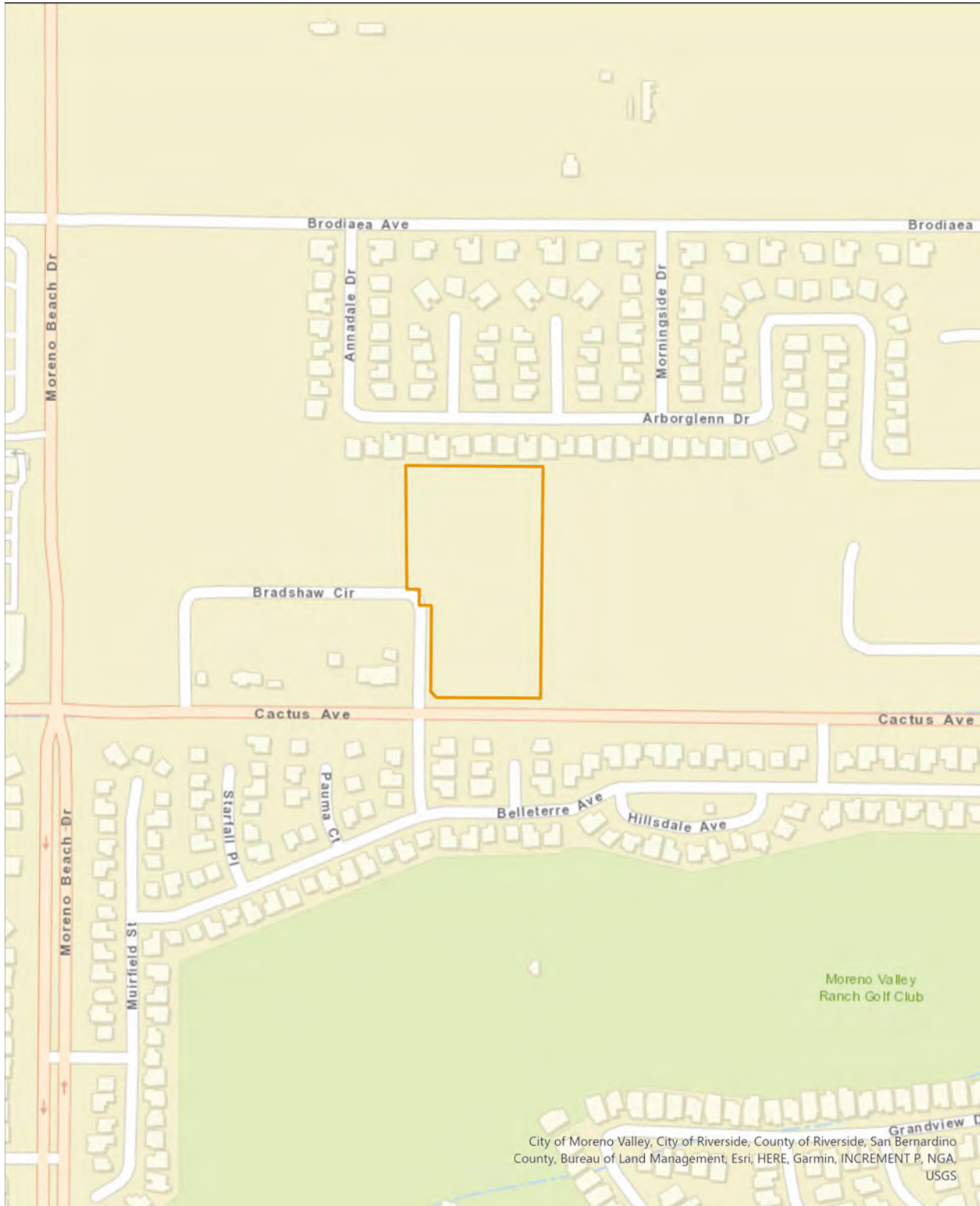
Cactus & Bradshaw Residential Project (TTM 37858)

Figure 1

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Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

Local Vicinity



 Project Site



Cactus & Bradshaw Residential Project (TTM 37858)

Figure 2

Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

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Aerial View

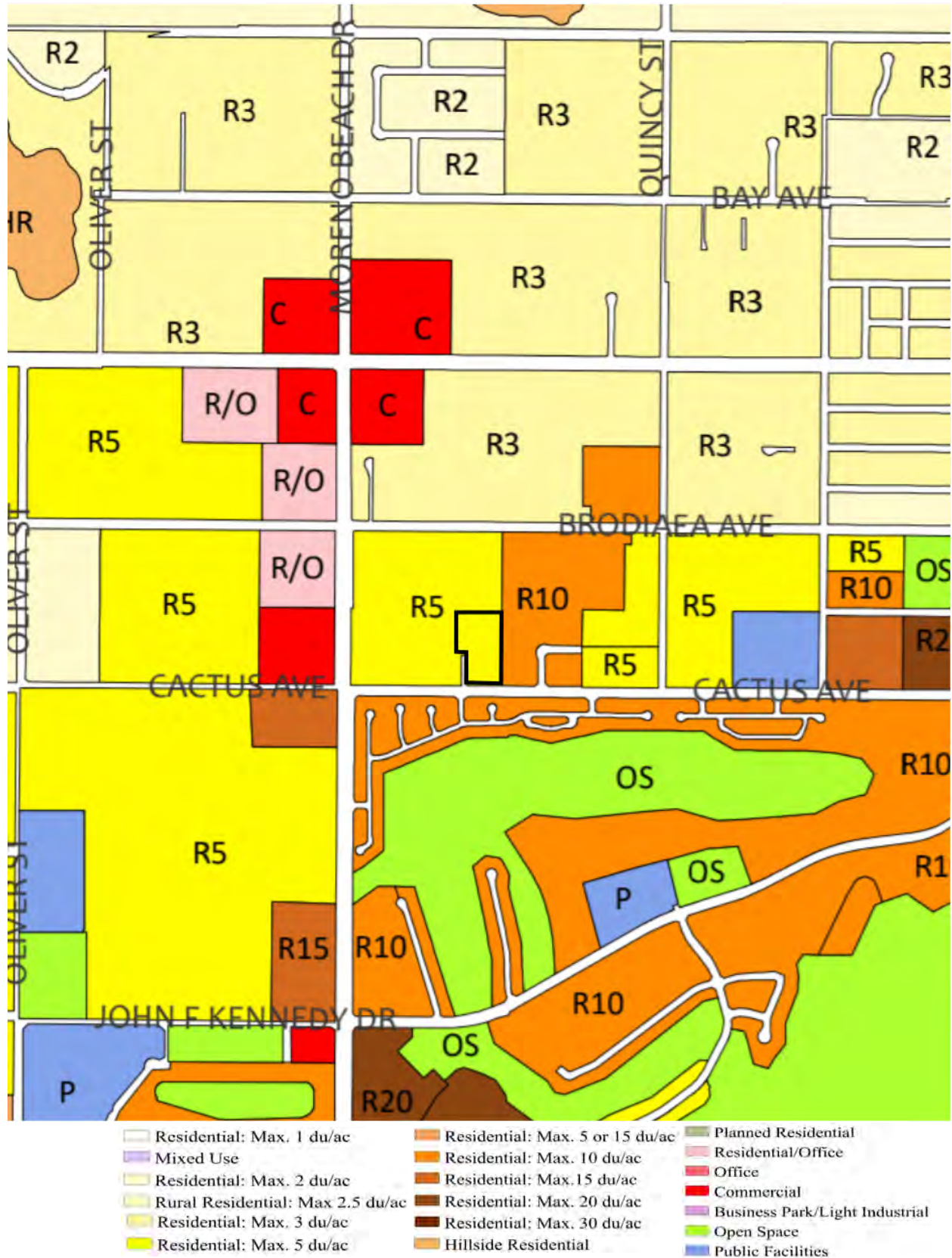


 Project Site



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General Plan Designation



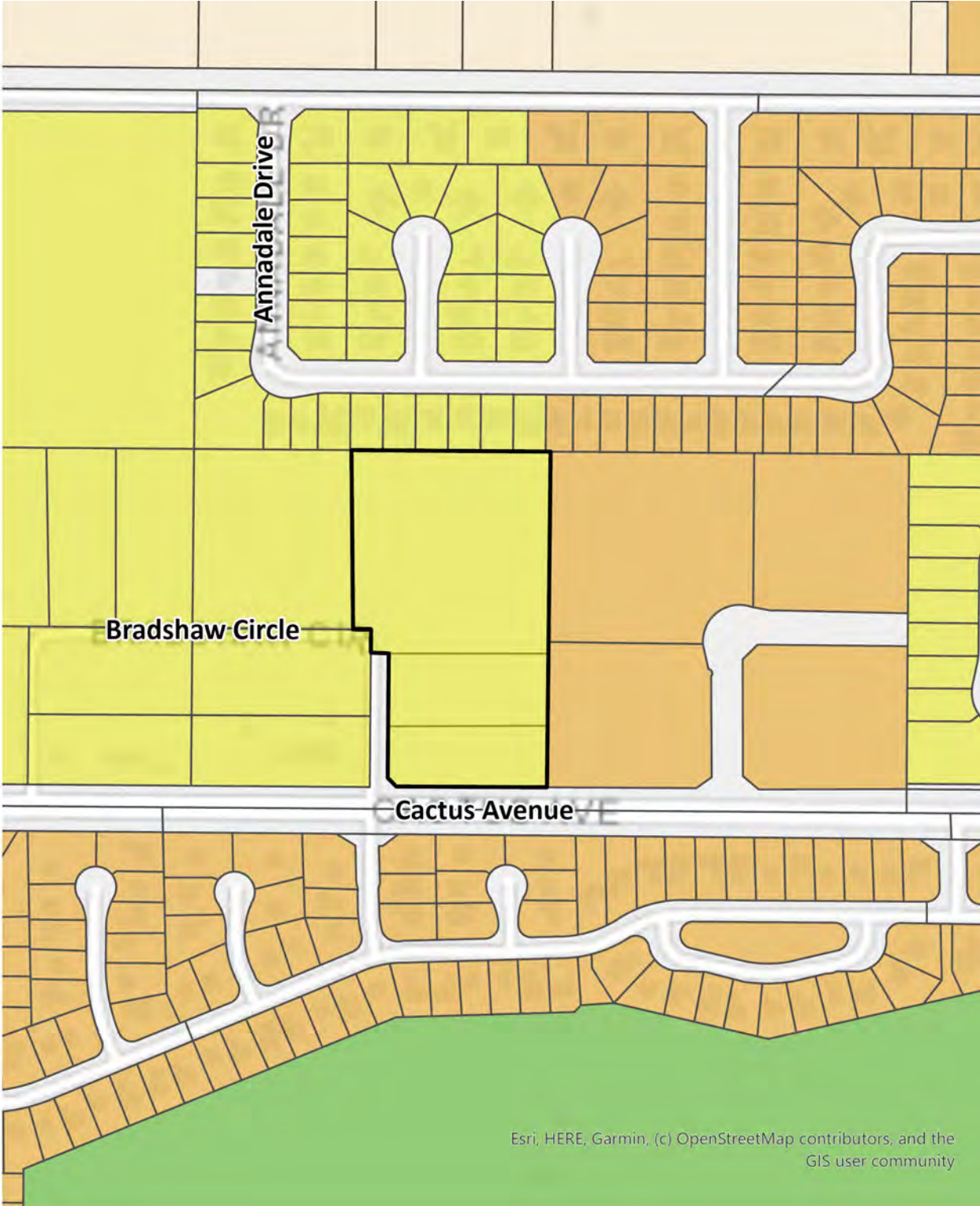
Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

Cactus & Bradshaw Residential Project (TTM 37858)

Figure 4

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Zoning Designation



- Residential 5 District
- Residential Single Family 10 District
- Residential 3 District
- Open Space

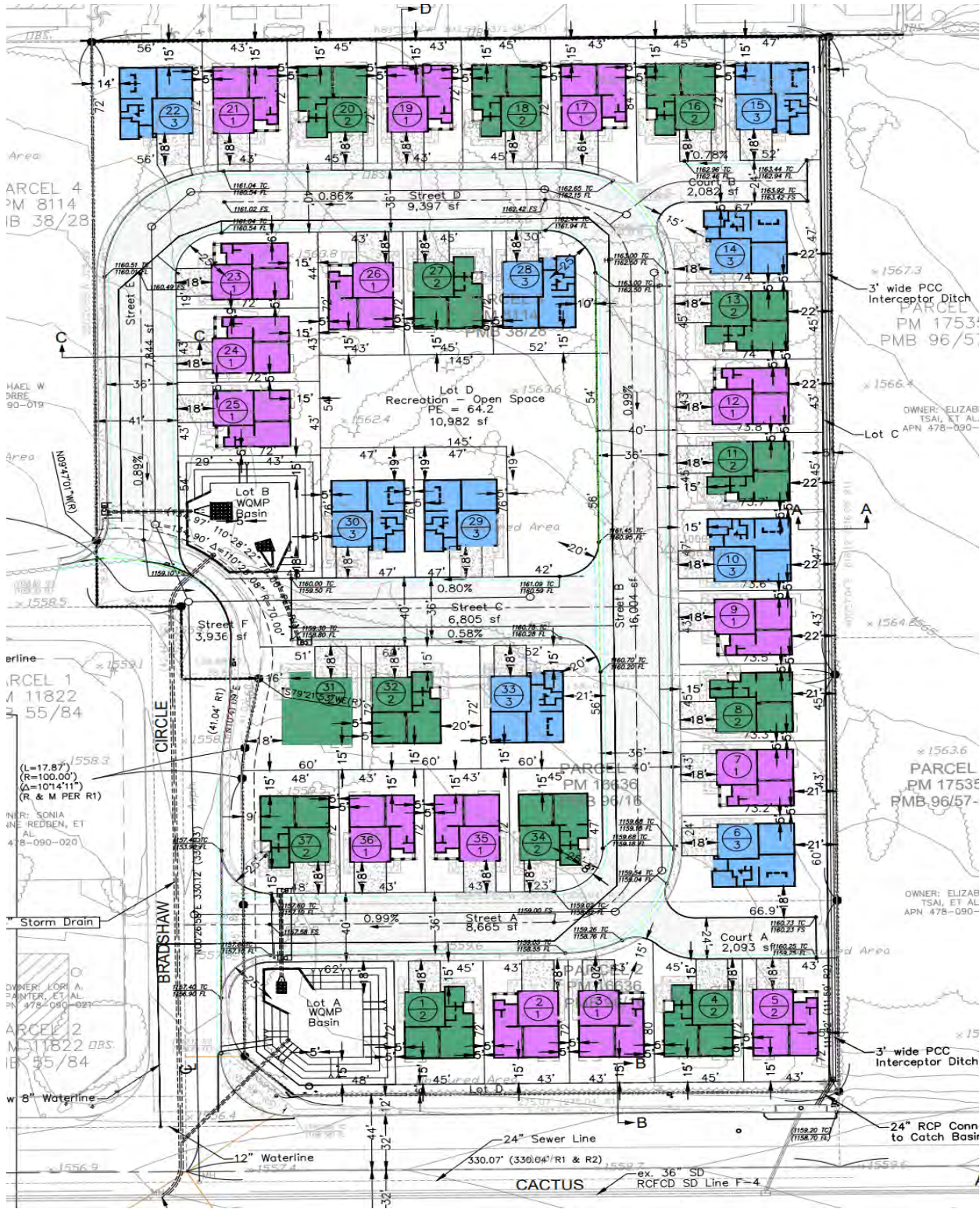
Cactus & Bradshaw Residential Project (TTM 37858)

Figure 5

Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

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Conceptual Site Plan



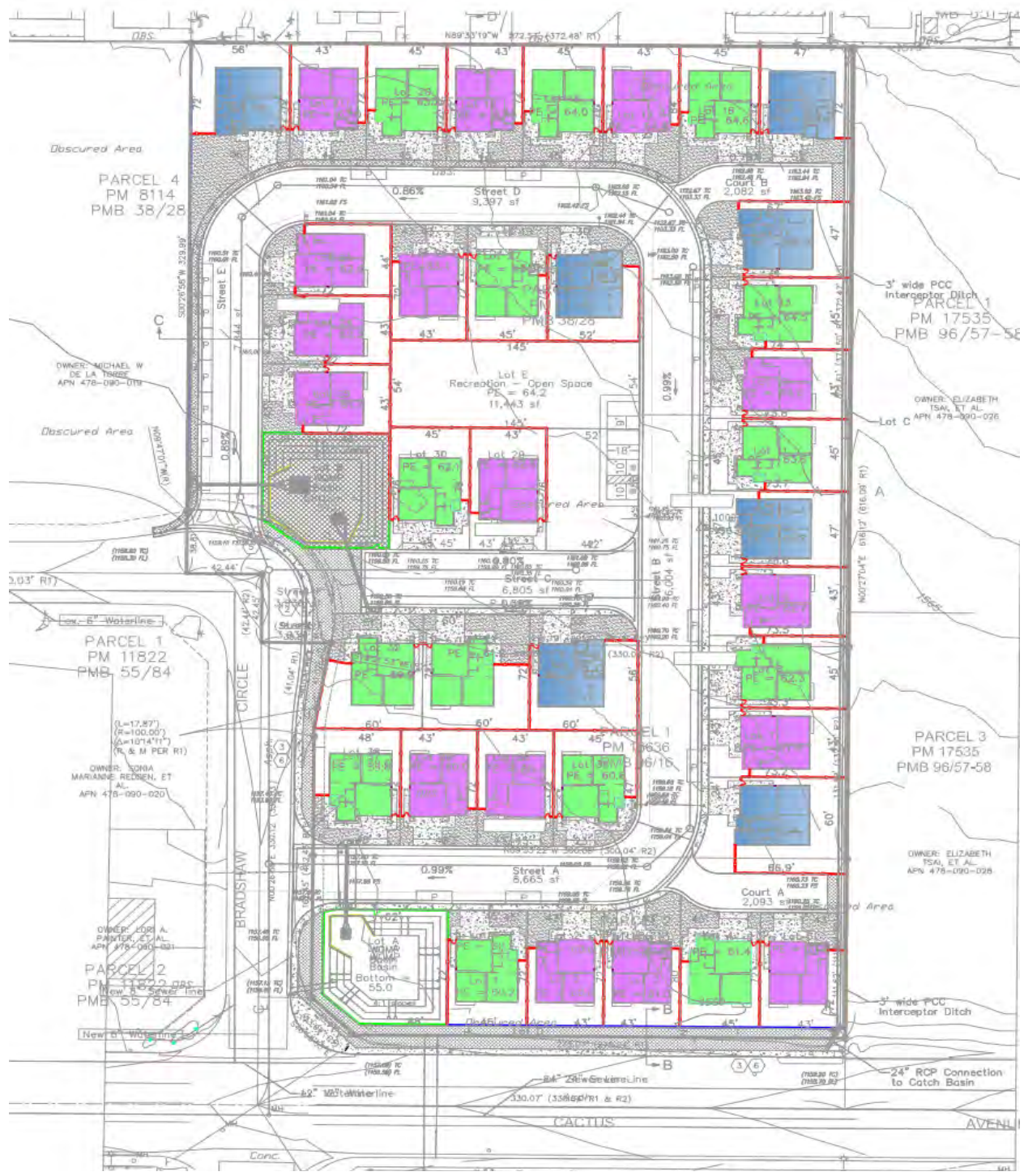
Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

Cactus & Bradshaw Residential Project (TTM 37858)

Figure 6

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Wall and Fence Plan



Wall Plan Key			
5' High Tan Vinyl Fence		Power Coated Wrought Fencing with Iron Gate	
6' High Masonry Block Walls		Combo Retaining/ block wall	
5' High Tan Vinyl Gate		WQMP Basin Walls	

Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

Cactus & Bradshaw Residential Project (TTM 37858)

Figure 7

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Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

Landscape Plan



Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

Cactus & Bradshaw Residential Project (TTM 37858)

Figure 8

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Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

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

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

The City sent notices regarding the project to the following California Native American tribes that may have knowledge regarding tribal cultural resources in the project vicinity:

- Agua Caliente Band of Cahuilla Indians
- Cahuilla Band of Indians
- Desert Cahuilla Indians
- Los Coyotes Band of Cahuilla Indians
- Morongo Band of Mission Indians
- Pechanga Band of Luiseño Indians
- Rincon Band of Luiseño Indians
- San Manuel Band of Mission Indians
- Santa Rosa Band of Mission Indians
- Serrano Nation of Mission Indians
- Soboba Band of Luiseño Indians

The Pechanga Band of Luiseño Indians requested consultation regarding the proposed project. The consulting tribes consider the area sensitive for cultural resources as several sites are located nearby. Although no information for site specific tribal cultural resources was provided (and there are no known tribal cultural resources on or adjacent to the project site), the consulting tribes requested inclusion of mitigation due to the potential of the Project to unearth previously undocumented tribal cultural resources during construction. These mitigation measures are incorporated in this Initial Study.

15. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

None applicable

16. Other Technical Studies Referenced in this Initial Study (Provided as Appendices):

- A. CalEEMod Emissions Summary
- B. Habitat Assessment and Focused Burrowing Owl Surveys and MSHCP Consistency
- C. Phase I Cultural Resources Investigation and Paleontological Overview
- D. Preliminary Soil Investigation
- E. Phase I Environmental Site Assessment
- F. Preliminary Hydrology Report
- G. Preliminary Project Specific Water Quality Management Plan
- H. Noise Impact Analysis
- I. Trip Generation and VMT Screening Analysis

17. Acronyms:

ADA -	American with Disabilities Act
ALUC -	Airport Land Use Commission
ALUCP -	Airport Land Use Compatibility Plan
AQMP -	Air Quality Management Plan
CEQA -	California Environmental Quality Act
CIWMD -	California Integrated Waste Management District
CMP -	Congestion Management Plan
DTSC -	Department of Toxic Substance Control
DWR -	Department of Water Resources
EIR -	Environmental Impact Report
EMWD -	Eastern Municipal Water District
EOP -	Emergency Operations Plan
FEMA -	Federal Emergency Management Agency
FMMP -	Farmland Mapping and Monitoring Program
GIS -	Geographic Information System
GHG -	Greenhouse Gas
GP -	General Plan
HCM	Highway Capacity Manual
HOA -	Homeowners Association
IS -	Initial Study
LHMP -	Local Hazard Mitigation Plan
LOS -	Level of Service
LST -	Localized Significance Threshold
MARB -	March Air Reserve Base
MARB/IPA-	March Air Reserve Base/Inland Port Airport
MSHCP -	Multiple Species Habitat Conservation Plan
MVFP -	Moreno Valley Fire Department
MVPD -	Moreno Valley Police Department
MVUSD -	Moreno Valley Unified School District
MWD -	Metropolitan Water District
NCCP -	Natural Communities Conservation Plan
NPDES -	National Pollutant Discharge Elimination System
OEM -	Office of Emergency Services
OPR -	Office of Planning & Research, State
PEIR -	Program Environmental Impact Report
PW -	Public Works

RCEH -	Riverside County Environmental Health
RCFCWCD -	Riverside County Flood Control & Water Conservation District
RCP -	Regional Comprehensive Plan
RCTC -	Riverside County Transportation Commission
RCWMD -	Riverside County Waste Management District
RTA -	Riverside Transit Agency
RTIP -	Regional Transportation Improvement Plan
RTP -	Regional Transportation Plan
SAWPA -	Santa Ana Watershed Project Authority
SCAG -	Southern California Association of Governments
SCAQMD -	South Coast Air Quality Management District
SCE -	Southern California Edison
SCH -	State Clearinghouse
SKRHCP -	Stephens' Kangaroo Rat Habitat Conservation Plan
SWPPP -	Stormwater Pollution Prevention Plan
SWRCB -	State Water Resources Control Board
USFWS -	United States Fish and Wildlife
USGS -	United States Geologic Survey
VMT -	Vehicle Miles Traveled
VVUSD -	Valley Verde Unified School District
WQMP -	Water Quality Management Plan
WRCOG -	Western Riverside Council of Government

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

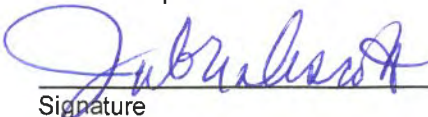
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

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



 Signature
 Julia Descoteaux

 Printed Name

10/12/2022

 Date
 City of Moreno Valley

 For

Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS – Except as provided in [Public Resources Code §21099](#) – Modernization of Transportation Analysis for Transit-Oriented Infill Projects – **Would the project:**

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. Scenic vistas consist of expansive, panoramic views of important, unique, or highly valued visual features that are seen from public viewing areas. This definition combines visual quality with information about view exposure to describe the level of interest or concern that viewers may have for the quality of a particular view or visual setting. A scenic vista can be impacted in 2 ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the view corridors or “vista” of the scenic resource. Important factors in determining whether the proposed project would block scenic vistas include the project’s proposed height, mass, and location relative to surrounding land uses and travel corridors.

The project site is located within a partially developed area of the City and is not within or adjacent to a scenic vista. The site is adjacent to roadways and existing residential land uses. The Moreno Valley General Plan Figure 7-2, Major Scenic Resources identifies the scenic resources within the City that include: Box Springs Mountains, Moreno Peak, Russell Mountains, Reche Mountains, and the Badlands.

The site is located approximately one mile south of the Moreno Peak. However, only partial views of the Moreno Peak are present on the project site between the existing single-family residences to the north. The proposed single-family residences would be 30 feet in height and would be the same height as existing single-family residences to the north and south.

In addition, Figure 7-2, Major Scenic Resources of the General Plan designates various view corridors throughout the City. The proposed project is not within or adjacent to a designated view corridor. Thus, redevelopment of the project site with single-family residences would not obstruct, interrupt, or diminish a scenic vista; and impacts would not occur.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. There are no designated state scenic highways in the City. The closest eligible state scenic highway is State Route (SR) 74, which travels east/west and is approximately 11.5 miles to the south of the project site. The closest officially designated state scenic highway is SR 243 from Interstate 10 (I-10) south of the city of Banning limits (Caltrans 2021), which is located approximately 17 miles east of the project site. Neither of the scenic highways discussed above are visible from the project site, therefore, no impacts to state scenic highways would occur from implementation of the proposed project.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Less than Significant Impact. As described previously, the project site is located in a developing portion of Moreno Valley and is adjacent to roadways to the south and west, vacant land to the east, and single-family residences north. Nearby parcels are developed with single-family residential uses. The project site is vacant. The existing character of the site and surrounding area is neither unique nor of special aesthetic value or quality.

The project would redevelop the project to provide 37 new single-family residences, which would be similar to the single-family residential uses that are adjacent to the west of the site, to the south of the site beyond the flood control channel, and to the north of the site beyond Finch Avenue.

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

Zoning. The project site is currently zoned as Residential 5 District (R5). The project includes a zone change to Residential Single-Family 10 (RS10) District to implement the proposed single-family residential uses. MVMC Section 9.03.020 states that the primary purpose of the Residential Single-Family 10 (RS10) District is to provide for residential development on small single-family lots with amenities not generally found in suburban subdivisions. The district is intended for subdivisions at a maximum allowable density of ten (10) dwelling units per net acre.

The proposed development would also require approval of a Conditional Use Permit (CUP) for a Planned Unit Development (PUD), which allows for a development to establish unique criteria for such things as setbacks, lot width and depth, building separation, and lot size. This is allowed in exchange for a higher level of detail and amenities within the project than typically required for standard residential development. The project would be consistent with the standards for approval of a PUD listed in MVMC Section 9.03.060.

As detailed in Table AES-1, the proposed project would be consistent with the development standards for the Residential Single-Family 10 (RS10) District listed in Municipal Code Section 9.03.040 with approval of a PUD. Thus, the proposed project would not conflict with applicable zoning regulations governing scenic quality.

Table AES-1: Project Consistency with Residential Single-Family 10 (RS10) District Development Standards

Standard	Municipal Code Requirement	Proposed Project
Minimum lot size	4,500 acre	3,095 SF*
Lot width	45 ft.	43 ft.*
Lot depth	85 ft.	72 ft.*
Maximum density	10 du/acre	7.9 du/acre
Height limit	30 feet	30 feet/2 stories

* consistent with approval of a PUD

General Plan. The project site currently has a General Plan land use designation of Residential: Max. 5 du/ac (R5). The proposed project includes a General Plan Amendment to change the designation of the site to Residential: Max. 10 du/ac (R10). According to the General Plan Land Use Element, the Residential: Max. 10 du/ac (R10) General Plan land use designation allows for development of residential uses to a maximum density of 10 dwelling units per acre. The project's proposed density of approximately 7.9 du/ac would be consistent with the maximum allowable density of 10 du/ac with the approval of a PUD. In addition, the project would be consistent with the General Plan Land Use Element goals and policies related to scenic quality, as shown in Table AES-2.

Table AES-2: Consistency with Land Use Element Goals and Policies Related to Scenic Quality

Goal or Policy	Project Consistency
Goal 2.1: A pattern of land uses, which organizes future growth, minimizes conflicts between land uses, and which promotes the rational utilization of presently underdeveloped and undeveloped parcels.	Consistent. The proposed project would redevelop the vacant site with 37 new single-family residences on an existing vacant site in the City, which would promote the rational utilization of a presently undeveloped parcel. Therefore, the project would be consistent with Goal 2.1.
Goal 2.4: A supply of housing in sufficient numbers suitable to meet the diverse needs of future residents and to support healthy economic development without creating an oversupply of any particular type of housing.	Consistent. The proposed project would redevelop the vacant site with 37 new single-family residences, which would assist in meeting the diverse needs of future residents. In addition, the project would provide 3 different plans and architectural styles for the single-family residences, which would support healthy economic development and an oversupply of a particular type of housing would not occur. Therefore, the project would be consistent with Goal 2.4.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Policy 2.2.8: The primary purpose of areas designated Residential 10 is to provide for a variety of residential products and to encourage innovation in housing types. Developments within Residential 10 areas are typically expected to provide amenities not generally found in suburban subdivisions, such as common open space and recreational areas. The maximum allowable density shall be 10.0 dwelling units per acre.</p>	<p>Consistent. The proposed project would redevelop the project site with single-family residences at a density of 7.9 dwelling unit per acre, which would be consistent with the maximum allowable density of 10 dwelling units per acre. Therefore, the project would be consistent with Policy 2.2.8.</p>			
<p>Policy 2.2.12: Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.</p>	<p>Consistent. As described in the Project Description, the proposed project would provide 3 different plans and 3 different architectural styles for the single-family residences to provide housing that is varied by type, design, and size. In addition, the project would provide sidewalks and landscaping along the streets and within common areas. Therefore, the project would be consistent with Policy 2.2.12.</p>			
<p>Policy 2.2.14: Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units.</p>	<p>Consistent. As described in the previous response, the proposed project would provide 3 different plans and 3 different architectural styles for the single-family residences to provide a diversity of housing types. Therefore, the project would be consistent with Policy 2.2.14.</p>			
<p>Policy 2.3.1: Within individual residential projects, a variety of floor plans and elevations should be offered.</p>	<p>Consistent. As described in the previous response, the proposed project would provide 3 different plans and 3 different architectural styles for the single-family residences. Therefore, the project would be consistent with Policy 2.3.1.</p>			
<p>Policy 2.3.2: Encourage building placement variations, roofline variations, architectural projections, and other embellishments to enhance the visual interest along residential streets.</p>	<p>Consistent. The proposed residential development would be designed with contemporary architectural elements, multi-level rooflines, and a complementary color scheme. Architectural elements in the exterior design would include stucco finish, stone veneer accents, metal awnings and deck railings, and vinyl window and door trim. The project would be designed with Spanish, French, and Cottage style architectural elements. When complete, the development would be representative of a modern residential community. In addition, landscaping improvements associated with the proposed project are anticipated to improve the existing visual character of the project site and would serve to provide increased visual interest along residential streets. Therefore, the project would be consistent with Policy 2.3.2.</p>			
<p>Policy 2.3.3: Discourage the development of single-family residences with a bulk (building mass) that is out of scale with the size of the parcels on which they are located.</p>	<p>Consistent. The proposed project would construct the proposed single-family residences with 3 different plans designed to conform to the size of the parcel on which they are located. Therefore, the project would be consistent with Policy 2.3.3.</p>			
<p>Policy 2.3.4: Design large-scale small lot single family and multiple family residential projects to</p>	<p>Consistent. The proposed project would construct the proposed single-family residences with private</p>			

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>group dwellings around individual open space and/or recreational features.</p>	<p>open space, as well as a total of 26,401 SF of open space and/or recreational features. The single-family residences would be grouped around a 11,443 SF community recreation area. Therefore, the project would be consistent with Policy 2.3.4.</p>			
<p>Overall, the proposed project would be consistent with development standards required by the RS10 zoning district with the approval of a CUP for a PUD, the Residential: Max. 10 du/ac (R10) General Plan land use designation, as well as the Land Use Element goals and policies related to scenic quality. Thus, the project would not conflict with applicable zoning and other regulations governing scenic quality. Furthermore, the project would increase the visual cohesion between the project site and the surrounding single-family residential area. Hence, the proposed project would not degrade the visual character of the project site and surrounding area; and impacts would be less than significant.</p>				
<p>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Response: Less Than Significant Impact. The project site is undeveloped and has no existing source of nighttime lighting. However, the project site is surrounded by sources of nighttime lighting including streetlights along Cactus Avenue, illumination from vehicle headlights, offsite exterior residential related lighting, and interior illumination passing through windows. Sensitive receptors relative to lighting and glare include residents, motorists, and pedestrians.</p> <p>The proposed project would include the provision of street lighting and nighttime lighting for security purposes around all of the residences. Implementation of the proposed project would result in a higher intensity development on the project site than currently exists, which would contribute additional sources to the overall ambient nighttime lighting conditions. However, all outdoor lighting would be hooded, appropriately angled away from adjacent land uses, and would comply with the MVMC Section 9.16.280 that will highlight building features and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. Because the project site is within an urban area with various sources of existing nighttime lighting, and the project would be required to comply with the City's lighting regulations that would be verified by the City's Building and Safety Division during the permitting process, the lighting increase in light that would be generated by the project would not adversely affect day or nighttime views in the area. Overall, lighting impacts would be less than significant.</p> <p>Reflective light (glare) can be caused by sunlight or artificial light reflecting from finished surfaces such as window glass or other reflective materials. Generally, darker or mirrored glass would have a higher visible light reflectance than clear glass. Buildings constructed of highly reflective materials from which the sun reflects at a low angle can cause adverse glare. The proposed project would not use highly reflective surfaces, or glass sided buildings. Although the residences would contain windows, the windows would be separated by stucco and architectural elements, which would limit the potential of glare. In addition, as described previously, onsite lighting would be angled down and shielded, which would avoid the potential on onsite lighting to generate glare. Therefore, the project would not generate substantial sources of glare, and impacts would be less than significant.</p>				
<p>Existing Plans, Programs, or Policies None.</p>				
<p>Mitigation Measures None.</p>				
<p>Sources:</p> <ol style="list-style-type: none"> 1. Moreno Valley General Plan, adopted July 11, 2006 <ul style="list-style-type: none"> • Chapter 2 – Community Development Element – Section 2.3 – Community Design • Chapter 7 – Conservation Element – Section 7.8 – Scenic Resources <ul style="list-style-type: none"> - Figure 6-2 – Major Scenic Resources 2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006 <ul style="list-style-type: none"> • Section 5.11 – Aesthetics <ul style="list-style-type: none"> - Figure 4.11-1 – Major Scenic Resources 				

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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| <p>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</p> <ul style="list-style-type: none"> • Section 9.10.110 – Light and Glare of the Moreno Valley Municipal Code. • Chapter 9.16 – Design Guidelines • Section 9.17.030 G – Heritage Trees <p>4. California Department of Transportation, California Scenic Highway Mapping System. 2021. Accessed: at https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways (Accessed February 22, 2021).</p> | | | | |
|--|--|--|--|--|

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

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. The project site is identified by the California Department of Conservation Important Farmland Finder as “Farmland of Local Importance” (CDC 2020). The project site is not designated as Prime, Unique, or Farmland of Statewide Importance. Thus, the proposed project would not result in impacts related to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. No impact would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. The project site has an existing zoning designation of Residential 5 District (R5). The project site is not zoned for agricultural use and is not subject to a Williamson Act contract. Thus, the proposed project would not result in impacts related to conflict with an existing agricultural zoning or Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. No forest land exists on or adjacent to the project site. The project site has a zoning designation for residential and is not zoned for forest land or timberland uses. Thus, the proposed project would not result in impacts related to conflict with an existing forest land or timberland zoning.

d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. No forest land exists on the project site. Thus, the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use, and impacts would not occur.

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

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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No Impact. As described in the responses above, the project area does not include farmland or forest land; thus, implementation of the proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use. Impacts would not occur.

Existing Plans, Programs, or Policies

None.

Mitigation Measure

None.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 7 – Conservation Element – Section 7.7 – Agricultural Resources
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.8 – Agricultural Resources
 - Figure 4.8-1 – Important Farmlands
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. California Department of Conservation, Important Farmland Finder. 2016. Available: <https://maps.conservation.ca.gov/dlrp/ciff/> (Accessed February 22, 2021).

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

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

Less Than Significant Impact. The project site is located in the South Coast Air Basin (SCAB), which is under the jurisdictional boundaries of the South Coast Air Quality Management District (SCAQMD). The SCAQMD and Southern California Association of Governments (SCAG) are responsible for preparing the Air Quality Management Plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements. The AQMP details goals, policies, and programs for improving air quality in the Basin. In preparation of the AQMP, SCAQMD and SCAG uses regional growth projections to forecast, inventory, and allocate regional emissions from land use and development-related sources.

As described in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD’s CEQA Air Quality Handbook (1993), for purposes of analyzing consistency with the AQMP, if a proposed project would result in growth that is substantially greater than what was anticipated, then the proposed project would conflict with the AQMP. On the other hand, if a project’s density is within the anticipated growth of a jurisdiction, its emissions would be consistent with the assumptions in the AQMP, and the project would not conflict with SCAQMD’s attainment plans. In addition, the SCAQMD considers projects consistent with the AQMP if the project would not result in an increase in the frequency or severity of existing air quality violations or cause a new violation.

The proposed project is a residential development project on a currently vacant site. The site is located within a residential area of Moreno Valley. The proposed project would develop 37 single-family residences on the site. As further described in Section 14, Population and Housing, would result in the addition of approximately 143 new residents, which would represent a population increase of approximately 0.07 percent and a 0.06 percent increase in residential units within the City. This limited level of growth on a site that has been previously developed would not exceed growth projections and would be consistent with the assumptions in the AQMP.

In addition, emissions generated by construction and operation of the proposed project would not exceed thresholds. As described in the analysis below, the project would not result in an increase in the frequency or severity of existing air quality violations or cause a new violation. Therefore, impacts related to conflict with the AQMP from the proposed project would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Response:

Less Than Significant Impact. The SCAB is in a non-attainment status for federal ozone standards, federal carbon monoxide standards, and state and federal particulate matter standards. Any development in the SCAB, including the proposed project, could cumulatively contribute to these pollutant violations. The methodologies from the SCAQMD CEQA Air Quality Handbook are used in evaluating project impacts. SCAQMD has established daily mass thresholds for regional pollutant emissions, which are shown in Table AQ-1. Should construction or operation of the proposed project exceed these thresholds a significant impact could occur; however, if estimated emissions are less than the thresholds, impacts would be considered less than significant.

Table AQ-1: SCAQMD Regional Daily Emissions Thresholds

Pollutant	Construction (lbs/day)	Operations (lbs/day)
NOx	100	55
VOC	75	55
PM-10	150	150
PM-2.5	55	55
SOx	150	150
CO	550	550

Source: CalEEMod Emission Summary (Appendix A)

Construction

Construction activities associated with the proposed project would generate pollutant emissions from the following: (1) demolition and removal of the existing onsite improvements and recycling debris; (2) grading and excavation; (3) construction workers traveling to and from project site; (4) delivery and hauling of construction supplies to, and debris from, the project site; (5) fuel combustion by onsite construction equipment; (6) building construction; application of architectural coatings; and paving. The amount of emissions generated on a daily basis would vary, depending on the intensity and types of construction activities occurring.

It is mandatory for all construction projects to comply with several SCAQMD Rules, including Rule 403 for controlling fugitive dust, PM-10, and PM-2.5 emissions from construction activities. Rule 403 requirements include, but are not limited to: applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the site, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12-inches, and maintaining effective cover over exposed areas. Compliance with Rule 403 was accounted for in the construction emissions modeling for the project. In addition, implementation of SCAQMD Rule 1113 that governs the VOC content in architectural coating, paint, thinners, and solvents, was accounted for in the construction emissions modeling for the project. As shown in Table AQ-2, CalEEMod results indicate that construction emissions generated by the proposed project would not exceed SCAQMD regional thresholds.^{1,2} Therefore, emissions from construction activities would be less than significant.

¹ It should be noted the air quality analysis analyzed 38 dwelling units based on an earlier iteration of the project's site plan. As the project proposes 37 dwelling units, the project-generated emissions calculated in the air quality analysis are therefore highly conservative.

² It should be noted that the air quality analysis was modeled using CalEEMod Version 2020.4 (V2020.4). The latest version of CalEEMod, V2022.1, was run for the project using 11th Edition Trip rates and found that impacts from construction & operation would continue to be less than significant utilizing the latest CalEEMod version.

Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

Table AQ-2: Construction Emissions Summary

Construction Activity	Maximum Daily Regional Emissions ⁽¹⁾ (pounds/day)					
	ROG	NO _x	CO	SO _x	PM-10	PM-2.5
2021						
Site Preparation	5.4	60.8	22.6	0.1	7.5	5.1
Grading	4.1	67.5	20.6	0.1	5.8	3.2
Building Construction	2.2	18.9	18.4	0.0	1.6	1.0
Maximum Daily Emission	5.4	67.5	22.6	0.1	7.5	5.1
2022						
Paving	1.3	9.5	12.9	0.0	0.7	0.6
Architectural Coating	49.1	1.4	2.1	0.0	0.2	0.1
Maximum Daily Emission	49.1	9.5	12.9	0.0	0.7	0.8
2021 to 2022 Maximum Daily Emissions	49.1	67.5	22.6	0.1	7.5	5.1
SCAQMD Significance Thresholds	75	100	550	150	150	55
Emissions Exceed Thresholds?	No	No	No	No	No	No
Notes: ROG = reactive organic gases NO _x = oxides of nitrogen PM-10 = particulate matter 10 microns or less in diameter PM-2.5 = particulate matter 2.5 microns or less in diameter CO = carbon monoxide SO _x = sulfur oxides PM emissions reflect SCAQMD Rule 403 reductions Source: see CalEEMod model output						

Source: CalEEMod Emission Summary (Appendix A)

Operation

Operation of the 37 single-family residences would result in long-term regional emissions of criteria air pollutants and ozone precursors associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, and consumer products. However, vehicular emissions would generate a majority of the operational emissions from the project.

Operational emissions associated with the proposed project were modeled using CalEEMod and are presented in Table AQ-3. As shown, the proposed project would result in long-term regional emissions of the criteria pollutants that would be below the SCAQMD's applicable thresholds. Therefore, operation of the project would not result in a cumulatively considerable net increase of any criteria pollutant impacts, and operational impacts would be less than significant.

Table AQ-3: Summary of Peak Operational Emissions

Operational Activity	Maximum Daily Regional Emissions (pounds/day)				
	ROG	NO _x	CO	PM-10	PM-2.5
Area	3.1	0.0	3.3	0.0	0.0
Energy	0.0	0.3	0.1	0.0	0.0
Mobile	0.7	5.4	8.9	2.9	0.8
Total Project Operational Emissions	3.9	5.7	12.3	2.9	0.8
SCAQMD Significance Threshold	55	55	550	150	55

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ISSUES & SUPPORTING INFORMATION SOURCES:				Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Exceed Threshold?				No	No	No	No
Notes: NOx = oxides of nitrogen PM-10 = particulate matter 10 microns or less in diameter ROG = reactive organic gases PM-2.5 = particulate matter 2.5 microns or less in diameter CO = carbon monoxide Source: see CalEEMod model output Source: CalEEMod Emission Summary (Appendix A)							

c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. The SCAQMD's *Final Localized Significance Threshold Methodology* (SCAQMD 2008) recommends the evaluation of localized NO₂, CO, PM-10, and PM-2.5 construction-related impacts to sensitive receptors in the immediate vicinity of the project site. Such an evaluation is referred to as a localized significance threshold (LST) analysis. According to the SCAQMD's *Final Localized Significance Threshold Methodology*, "off-site mobile emissions from the project should not be included in the emissions compared to the LSTs" (SCAQMD 2008). SCAQMD has developed LSTs that represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards, and thus would not cause or contribute to localized air quality impacts. LSTs are developed based on the ambient concentrations of NOx, CO, PM-10, and PM-2.5 pollutants for each of the 38 source receptor areas (SRAs) in the SCAB. The project site is located within SRA 24, Perris Valley. The LSTs for this SRA were applied to the project.

Sensitive receptors can include residences, schools, playgrounds, childcare centers, athletic facilities. The nearest sensitive receptors are existing residences are located adjacent to the project site. The distance between the project site boundary and the closest existing residential structure is located north of the project site boundary approximately 10-feet from the property line. Therefore, the distance for sensitive receptors in the LST assessment was set at 25 meters, the shortest distance contained in the SCAQMD LST emission look-up tables (AQ 2020).

Construction

The localized thresholds from the mass rate look-up tables in SCAQMD's Final Localized Significance Threshold Methodology document, were developed for use on projects that are less than or equal to 5-acres in size or have a disturbance of less than or equal to 5 acres daily. The project site is approximately 4.81 acres. Therefore, the use of the LSTs for a 5-acre project were used in the Air Quality Assessment (AQ 2020).

Table AQ-4 identifies the localized impacts at the nearest receptor location in the vicinity of the project. As shown, project construction-source emissions would not exceed the applicable SCAQMD LSTs for emissions of any criteria pollutant. Thus, implementation of the project would not result in a localized air quality impact.

Table AQ-4: Localized Significance Summary of Construction

Construction Activity	Maximum Daily Localized Emissions (pounds/day)			
	NO _x	CO	PM-10	PM-2.5
2021				
Site Preparation	60.8	21.9	7.3	5.0
Grading	40.0	16.4	3.3	2.4
Building Construction	17.4	16.6	1.0	0.9
Maximum Daily Emission	60.8	21.9	7.3	5.0
2022				
Paving	9.5	12.2	0.5	0.5
Architectural Coating	1.4	1.4	0.1	0.1
Maximum Daily Emission	9.5	12.2	0.5	0.5

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ISSUES & SUPPORTING INFORMATION SOURCES:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2021 to 2022 Maximum Daily Emissions	60.8	21.9	7.3	5.0	
SCAQMD Significance Thresholds	224	1,250	10	6	
Emissions Exceed Thresholds?	No	No	No	No	
Notes: NO _x = oxides of nitrogen PM-10 = particulate matter 10 microns or less in diameter PM-2.5 = particulate matter 2.5 microns or less in diameter CO = carbon monoxide PM emissions reflect SCAQMD Rule 403 emission reductions Source: see CalEEMod model output					

Source: CalEEMod Emission Summary (Appendix A)

As described in Response 4.3(b), the proposed project would not significantly increase long-term emissions within the project area. Construction of the proposed project may expose nearby residential sensitive receptors to airborne particulates as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement measures to reduce or eliminate emissions by following SCAQMD's standard construction practices (Rules 402 and 403, as included as PPP AQ-1 and PPP AQ-2). Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Rule 403 requires that fugitive dust be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. Therefore, sensitive receptors would not be exposed to substantial pollutant concentrations during construction, and impacts would be less than significant.

Operation

For operational LSTs, onsite passenger car and truck travel emissions were modeled. The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state Ambient Air Quality Standards. As shown on Table AQ-5, operational emissions would not exceed the SCAQMD's localized significance thresholds for any criteria pollutant at the nearest sensitive receptor. Therefore, localized air quality impacts from operational activities would be less than significant.

Table AQ-5: Localized Significance Summary of Operations

Operational Activity	Maximum Daily Localized Emissions (pounds/day)			
	NO _x	CO	PM-10	PM-2.5
Area	0.0	3.3	0.0	0.0
Energy	0.3	0.1	0.0	0.0
Mobile	3.2	1.5	0.1	0.0
Total Project Operational Emissions	3.6	5.0	0.1	0.1
SCAQMD Significance Threshold	270	1,577	4	2
Exceed Threshold?	No	No	No	No
Notes: NO _x = oxides of nitrogen PM-10 = particulate matter 10 microns or less in diameter PM-2.5 = particulate matter 2.5 microns or less in diameter CO = carbon monoxide Source: see CalEEMod model output				

Source: CalEEMod Emission Summary (Appendix A)

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

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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No Impact. The proposed project would not emit other emissions, such as those generating objectionable odors, that would affect a substantial number of people. The threshold for odor is identified by SCAQMD Rule 402, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to result in other emissions, such as objectionable odors, include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities.

The proposed project would implement residential development within the project area that does not involve the types of uses that would emit objectionable odors affecting a substantial number of people. In addition, odors generated by non-residential land uses are required to be in compliance with SCAQMD Rule 402, which would prevent nuisance odors.

During construction, emissions from construction equipment, architectural coatings, and paving activities may generate odors. However, these odors would be temporary, intermittent in nature, and would not affect a substantial number of people. The noxious odors would be confined to the immediate vicinity of the construction equipment. Also, the short-term construction-related odors would cease upon the drying or hardening of the odor-producing materials. Therefore, impacts associated with other emissions, such as odors, would not adversely affect a substantial number of people and impacts would be less than significant.

Existing Plans, Programs, or Policies

PPP AQ-1: Rule 402. The project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

PPP AQ-2: Rule 403. The project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:

- 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.
- The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day.
- The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.

PPP AQ-3: Rule 1113. The project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.

Mitigation Measure
None.

Sources:

Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<ol style="list-style-type: none"> 1. Moreno Valley General Plan, adopted July 11, 2006 <ul style="list-style-type: none"> • Chapter 5 – Circulation Element • Chapter 6 – Safety Element – Section 6.6 – Air Quality 2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006 <ul style="list-style-type: none"> • Section 5.3 – Air Quality <ul style="list-style-type: none"> - Figure 4.3-1 – South Coast Air Basin • Appendix C – Air Quality Analysis, P&D Consultants, July 2003 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code <ul style="list-style-type: none"> • Section 9.10.050 – Air Quality of the Moreno Valley Municipal Code • Section 9.10.150 – Odors of the Moreno Valley Municipal Code • Section 9.10.170 – Vibration of the Moreno Valley Municipal Code 4. Moreno Valley Municipal Code Section 12.50.040 – Limitations on Engine Idling 5. Summary of CalEEMod Model Runs and Output for the Moreno Valley Residential Project. March 24, 2020. Prepared by Vince Mirabella (Appendix A). 6. South Coast Air Quality Management District Final Localized Significance Threshold Methodology (SCAQMD 2008). Accessed: http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-1st-methodology-document.pdf (Accessed May 26, 2021). 				

IV. BIOLOGICAL RESOURCES – Would the project:

<p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact with Mitigation Incorporated. The project site is vacant and undeveloped and has been previously disturbed. A Biological Habitat Assessment was prepared for the proposed project, which included a literature search to identify special status plants, wildlife, and habitats known to occur in the vicinity of the project site. General plant and wildlife surveys were also conducted to identify any biological resources on or adjacent to the project site. The project site is within the Western Riverside County MSHCP (Multiple Species Habitat Conservation Plan) Reche Canyon/Badlands Area Plan.

The Habitat Assessment identified 8 special-status plant species that to have the potential to occur within the project vicinity; however, only the Woven-Spored Lichen (*Texosporium sancti-jacobi*) was determined to have a low potential for occurrence and was not observed during surveys. The remaining seven special-status plant species were determined to have no potential and be absent from the project site (Gonzalez 2020).

The Habitat Assessment identified 30 special-status wildlife species that to have the potential to occur within the project vicinity, one species (Stephens’ kangaroo rat (*Dipodomys stephensi*)) was assumed to be present. However, wildlife species that are covered and adequately conserved by the MSHCP do not include Stephens’ Kangaroo rat. Stephens’ Kangaroo rat (SKR) is covered under the SKR Habitat Conservation Plan. As a covered species, participation in the SKR Habitat Conservation Plan would provide “take” for SKR species and no additional mitigation except payment of an SKR fee, included as Mitigation Measure BIO-1, would be required (Gonzalez 2020).

It was determined that potentially suitable habitat for burrowing owls (*Athene cunicularia*) is present onsite. The burrowing owl is a state species of special concern and MSHCP Group 3 species that is commonly found in open, dry grasslands, agricultural and range lands, as well as desert habitats with low-growing vegetation. The burrowing owl resides in burrows primarily created, then abandoned, by species such as California ground squirrels (*Spermophilus beecheyi*) and coyotes (*Canis latrans*). Therefore, protocol burrowing owl surveys were conducted to determine the presence and use of the site by burrowing owls.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Burrowing owl habitat assessment surveys and focused surveys were conducted in 2020 according to the Burrowing Owl Survey Instructions for the *Western Riverside Multiple Species Habitat Conservation Plan Area*. The surveys were completed in three steps; Habitat Assessment (Step 1), Focused Burrow Surveys (Step 2A), and Focused Owl Surveys (Step 2B).

In Step 1, habitat within the project area was assessed for burrowing owl presence, use, and potential use. Areas with potential burrowing owl habitat, including pasture and debris piles were surveyed by Gonzales Environmental Consulting, LLC for potential burrows. Biologists walked areas of potential habitat while searching for the presence of burrowing owls, potential and active burrows, and owl sign, such as feathers, pellets, and prey items. The survey area included a 150-meter (500-foot) buffer zone outside of the project site. Step 1 of the survey identified suitable burrowing owl habitat on-site due to the presence of low-growing vegetation.

In Step 2A, focused burrow surveys were conducted, which included surveys of natural burrows or suitable debris piles. Transect surveys for burrows, including owl signs, were conducted by walking or being escorted through suitable habitat over the entire survey area. The locations of all potential owl burrows, observed owl sign, and observed burrowing owls were recorded and mapped with a GPS device.

In Step 2B, focused burrowing owl surveys consisted of seven site visits covering all project areas and adjacent areas. Surveys were conducted in the morning 1 hour before sunrise to 2 hours after sunrise and 1 hour before sunset to 2 hours after sunset. Upon arrival at the survey area and prior to initiating the walking surveys, surveyors used binoculars and/or spotting scopes to scan all suitable habitats, as well as the location of mapped burrows, owl sign, and owls, including perch locations to ascertain owl presence. A survey for owls and owl sign was then conducted by walking through suitable habitat over the entire project site and within the adjacent 150-meter (500-foot) buffer zone. Results of the Step 2A surveys found no owl burrows on the proposed project site or in adjacent areas. In addition, Step 2B found no burrowing owls on the proposed project site or adjacent to the project site (Gonzalez 2020). Although no impacts to this species are anticipated as a result of construction activities, Mitigation Measure BIO-2 has been included to require a preconstruction burrowing owl survey to be conducted prior to the start of ground disturbance activities. With implementation of Mitigation Measures BIO-2, impacts related to burrowing owls would be less than significant.

The Habitat Assessment performed by Gonzales Environmental Consulting, LLC identified suitable habitat and substrate for raptors that are protected under the MSHCP, as well as migratory birds that are protected under the Migratory Bird Treaty Act and Section 3503.5 of the California Department of Fish and Wildlife (CDFW) code (Gonzalez 2020). Mitigation Measure BIO-3 has been included to require a qualified biologist to survey the project impact area for the presence of any active raptor nests seven days prior to the onset of construction activities during the raptor nesting season. Mitigation Measure BIO-4 has been included to require pre-construction nesting bird surveys, as well as recommendations for vegetation removal outside of the nesting bird season. With implementation of Mitigation Measure BIO-3 and Mitigation Measure BIO-4, impacts related to protected bird species would also be reduced to a less than significant level.

The Habitat Assessment further describes that the special-status wildlife and plant species with the potential to occur on the project site are covered by compliance with the MSHCP, which requires payment of fees, included as existing Plans, Programs, or Policies "PPP BIO-1".

Thus, through adherence to the recommendations provided in the Habitat Assessment, payment of the MSHCP mitigation fees (included as PPP BIO-1), and implementation of pre-construction nesting bird surveys, the project would be fully consistent with the MSCHP, CDFW, and USFWS, and impacts would be less than significant with implementation of MM BIO-1, MM BIO-2, MM BIO-3, and MM BIO-4.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. The project site consists of vacant land that has been heavily disturbed by grading. The assessment done by Gonzales Environmental identified there are no state or federal streambed resources on the project site. In addition,

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>MSHCP Section 6.12 riverine resources are not located on the project site, and as such the project does not require permits from Army Corps of Engineers, California Department of Fish and Wildlife, or the Regional Water Quality Control Board. In addition, the project does not contain any vernal pools, wetland habitats, creeks, or rivers (Gonzalez 2020). Thus, impacts to riparian habitat or other sensitive natural community would not occur from implementation of the proposed project.</p>				
<p>c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Response: No Impact. As described in the response above, the project site does not contain any drainages, creeks, rivers, or other wetland areas (Gonzalez 2020). The project site does not contain any jurisdictional areas that would be subject to Section 404 of the Clean Water Act, and the proposed project does not involve any hydrological interruption on any existing water resources. Thus, impacts to federally protected wetlands as defined by Section 404 of the Clean Water Act would not occur from implementation of the proposed project.</p>				
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Response: Less Than Significant Impact with Mitigation Incorporated. The project site is vacant and undeveloped but is adjacent to roadways, disturbed, and developed land uses. Due to the existing conditions of the project site and the surrounding land uses, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors (Gonzalez 2020). There are no native wildlife nursery sites. However, as described previously, the site includes areas that are suitable for nesting birds that are protected under the Migratory Bird Treaty Act and Section 3503.5 of the CDFW code. Therefore, Mitigation Measure BIO-4 has been included to require pre-construction nesting bird surveys. With implementation of Mitigation Measure BIO-4, impacts to native wildlife nursery sites would not occur and impacts would be less than significant.</p>				
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Response: No Impact. There are no local biological related policies or ordinances, such as a tree preservation policy or ordinance that is applicable to the proposed project. The project site is adjacent to existing non-native ornamental trees that are on the right-of-way on Cactus Avenue, adjacent to the single-family residential areas to the north, and are not subject to any ordinances. The project site contains non-protected native shrubs and herbs as well as non-native grasses and shrubs and one nonnative palm tree. Therefore, implementation of the proposed project would not conflict with local polices or ordinances protecting trees and no impact would occur.</p>				
<p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved local, regional, or state habitat conservation plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Response: Less than Significant Impact. The project site occurs within the Western Riverside County MSHCP. As described previously, the project site is located within the Reche Canyon/Badlands Area Plan of the MSHCP, but is not located within a Criteria Area Cell, Core, or Linkage. Furthermore, a habitat survey and surveys for burrowing owl have been conducted as outlined in response 4(a) and further preconstruction surveys and payment of fees would be conducted prior to construction as required by Mitigation Measures BIO-1 through BIO-4. Additionally, the project is required to pay applicable MSHCP fees prior to grading permit approval as outlined in PPP BIO-1. With implementation of PPP BIO-1 and MMs BIO-1 through BIO-4, development of the project site would not conflict with local, regional, or state resource</p>				

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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preservation and/or conservation policies. Therefore, no significant impacts would occur as a result of project implementation.

Existing Plans, Programs, or Policies

PPP BIO-1: MSHCP Development Impact Fees. Prior to issuance of a grading or building permit, the project applicant will be required to pay relevant City of Moreno Valley mitigation fees to the City.

Mitigation Measures

Mitigation Measure BIO-1: Payment of SKR Fees. Prior to the issuance of a grading permit, the project applicant shall pay all relevant Stephen's kangaroo rat mitigation fees.

Mitigation Measure BIO-2: Preconstruction Burrowing Owl Surveys. Pursuant to the MSHCP Objective 6, for burrowing owl, a preconstruction burrowing owl survey shall be conducted prior to issuance of a grading permit to verify the presence/absence of the owl on the Project site. Within thirty days of the onset of construction activities, a qualified biologist shall survey within 500 feet of the Project site for the presence of any active owl burrows. Any active burrow found during survey efforts shall be mapped on the construction plans. If no active burrows are found, no further mitigation would be required. Results of the surveys shall be provided to the City of Moreno Valley. If nesting activity is present at an active burrow, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for burrowing owl in the region normally occurs between March and August. To protect the active burrow, the following restrictions to construction activities shall be required until the burrow is no longer active as determined by a qualified biologist: (1) clearing limits shall be established within a 500-foot buffer around any active burrow, unless otherwise determined by a qualified biologist, and (2) access and surveying shall be restricted within 300 feet of any active burrow, unless otherwise determined by a qualified biologist. Any encroachment into the buffer area around the active burrow shall only be allowed if the biologist determines that the proposed activity will not disturb the nest occupants. Construction can proceed when the qualified biologist has determined that fledglings have left the nest. If an active burrow is observed during the non-nesting season, the nest site shall be monitored by a qualified biologist, and when the raptor is away from the nest, the biologist will either actively or passively relocate the burrowing owl based on direction from the WRC RCA. The biologist shall then remove the burrow so the burrowing owl cannot return to the burrow. Therefore, based on the described construction activities and implementation of mitigation measures as identified, impacts to BUOW would not be significant.

Mitigation Measure BIO-3: Preconstruction Raptor Surveys. Seven days prior to the onset of construction activities during the raptor nesting season (February 1 to June 30), a qualified biologist shall survey within 500 feet of the project impact area for the presence of any active raptor nests (common or special status). Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the CDFW. If nesting activity is present at any raptor nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. To protect any nest site, the following restrictions to construction activities are required until nests are no longer active as determined by a qualified biologist: (1) clearing limits shall be established within a 500-foot buffer around any occupied nest, unless otherwise determined by a qualified biologist, and (2) access and surveying shall be restricted within 300 feet of any occupied nest, unless otherwise determined by a qualified biologist. Any encroachment into the buffer area around the known nest shall only be allowed if the biologist determines that the proposed activity will not disturb the nest occupants. Construction can proceed when the qualified biologist has determined that fledglings have left the nest. If an active nest is observed during the non-nesting season, the nest site shall be monitored by a qualified biologist, and when the raptor is away from the nest, the biologist will flush any raptor to open space areas. A qualified biologist, or construction personnel under the direction of the qualified biologist, shall then remove the nest site so raptors cannot return to a nest.

Mitigation Measure BIO-4: Preconstruction Nesting Bird Surveys. If construction is to occur during the MBTA nesting cycle (February 1-September 15) than a nesting bird survey should be conducted by a qualified biologist. Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered take and is potentially punishable by fines or imprisonment. Active bird nests should be mapped utilizing a hand-held global positioning system (GPS) and a 300' buffer will be flagged around the nest (500' buffer for raptor nests). Construction should not be permitted within the buffer areas while the nest continues to be active (eggs, chicks, etc.).

Sources:

Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<ol style="list-style-type: none"> 1. Moreno Valley General Plan, adopted July 11, 2006 <ul style="list-style-type: none"> • Chapter 7 – Conservation Element – Section 7.1 – Biological Resources 2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006 <ul style="list-style-type: none"> • Section 5.9 – Biological Resources <ul style="list-style-type: none"> - Figure 4.9-1 – Planning Area Biological Geographic Sections - Figure 4.9-2 – Planning Area Vegetation Community - Figure 4.9-3 – Project Site Location within the MSHCP Area - Figure 4.9-4 – Reche Canyon/Badlands Area Plan • Appendix E – Biological Resources Study, Appendix E 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code <ul style="list-style-type: none"> • Section 9.17.030 G – Heritage Trees 4. Moreno Valley Municipal Code Chapter 8.60 – Threatened and Endangered Species 5. Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), http://www.wrc-rca.org/about-rca/multiple-species-habitat-conservation-plan/ 6. Stephens’ Kangaroo Rat Habitat Conservation Plan (SKRHCP), Governing Documents RCHCA, CA 7. Habitat Assessment & Focused Surveys for Burrowing Owl. June 17, 2020. Prepared by Gonzalez Environmental Consulting, LLC (Appendix B). 				

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 ?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less than Significant. According to the *State CEQA Guidelines*, a historical resource is defined as something that meets one or more of the following criteria:

- 1) Listed in, or determined eligible for listing in, the California Register of Historical Resources;
- 2) Listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k);
- 3) Identified as significant in a historical resources survey meeting the requirements of PRC Section 5024.1(g); or
- 4) Determined to be a historical resource by the project’s Lead Agency.

As described previously, the project site is currently vacant. Historic aerial photographs and maps of the project site showed no development in the general vicinity of the project area until after 1976. All improvements, therefore, are less than 45 years of age and considered modern and of no historical consequence (McKenna 2020). Therefore, the project would not cause a substantial adverse change in the significance of a historical resource, and no impact would occur.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Response:
Less than Significant Impact with Mitigation Incorporated. The Phase I Cultural Resources Investigation and Paleontological Overview prepared for the project site included an archaeological records search that was completed at the University of California, Riverside, Eastern Information Center (UCR-EIC). The UCR-EIC is the countywide clearing house/repository for all archaeological and cultural studies completed within the Riverside County. All pertinent data was researched, including previous studies for a one mile radius surrounding the project area and the identification of recorded resources within one mile. In addition, the research included review of the current listings (federal, state, and local) for evaluated resources and reviewed historic maps. The records search indicated that the nearest recorded resources are located more than one-half mile from the project site. There are no known significant cultural resources within the project area and any future development will not adversely impact any significant resources (McKenna 2020).

As required for compliance with CEQA guidelines and the data requirements of the Office of Historic Preservation (OHP), an intensive field survey was conducted to adequately identify, describe, report, and, if possible, evaluate any cultural resources identified within the project area boundaries. This intensive field survey was conducted on March 7, 2020. No evidence of any prehistoric archaeological sites, prehistoric isolates, historic archaeological sites and/or historic isolates was found within the project area boundaries. In addition, no historic landscape or suggestion of ethnic resources or

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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associations were found. Overall, the property was clear of any evidence of surface cultural resources and the potential for buried resources was determined to be extremely low to nonexistent (McKenna 2020).

Based on the negative findings presented above, there are no known cultural resources, significant or not, within or adjacent to the project area. In addition, as discussed previously, based on the results of the cultural resources search and survey, evidence of surface cultural resources and the potential for buried resources was determined to be extremely low to nonexistent (McKenna 2020). Nevertheless, due to archaeological sensitivity in the City and project vicinity, Mitigation Measures CR-1 through CR-5 would be implemented by the project and require archaeological monitoring, a Cultural Resource Monitoring Plan (CRMP), measures for inadvertent finds, and Archeology Reports. With implementation of Mitigation Measures CR-1 through CR-5, impacts to archaeological resources would be less than significant.

c) Disturb any human remains, including those interred outside of formally dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Response:
Less than Significant Impact with Mitigation Incorporated. The project site has not been previously used as a cemetery. Thus, human remains are not anticipated to be uncovered during project construction. In addition, procedures of conduct following the discovery of human remains on non-federal lands have been mandated by California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98, which has been included as Mitigation Measure CR-6. Specifically, California Health and Safety Code Section 7050.5 requires that if human remains are discovered, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of death, and made recommendations concerning the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Thus, with compliance with Mitigation Measure CR-6, no impacts would occur.

Existing Plans, Programs, or Policies
 None.

Mitigation Measures

Mitigation Measure CR-1: Archaeological Monitoring. Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s) including the Pechanga Band of Indians, the contractor, and the City, shall develop a CRMP as defined in Mitigation Measure CR-2. 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.

Mitigation Measure CR-2: 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:

- 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.

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

Mitigation Measure CR-3: The City shall verify that the following note is included on the Grading Plan:
 "If any suspected archaeological resources are discovered during ground –disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find."

Mitigation Measure CR-4: Inadvertent Finds. If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional 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 Mitigation Measure CR-1 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.

Mitigation Measure CR-5: 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).

Mitigation Measure CR-6: Human Remains. If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant". The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 7 – Conservation Element – Section 7.2 – Cultural and Historical Resources
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.10 – Cultural Resources
 - Figure 4.10-1 – Locations of Listed Historic Resource Inventory Structures
 - Figure 4.10-2 – Location of Prehistoric Sites
 - Figure 4.10-3 – Paleontological Resource Sensitive Areas
 - Appendix F – Cultural Resources Analysis, Study of Historical and Archaeological Resources for the Revised General Plan, City of Moreno Valley, Archaeological Associates, August 2003.

Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code 4. Moreno Valley Municipal Code Title 7 – Cultural Preservation 5. Cultural Resources Inventory for the City of Moreno Valley, Riverside County, California, prepared by Daniel F. McCarthy, Archaeological Research Unit, University of California, Riverside, October 1987 (<i>This document cannot be provided to the public due to the inclusion of confidential information pursuant to Government Code Section 6254.10.</i>) 6. Phase I Cultural Resources Investigation and Paleontological Overview for Tentative Tract Map No. 37858, City of Moreno Valley, Riverside County, California. March 18, 2020. Prepared by McKenna et al. (Appendix C).				

VI. ENERGY – Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Less Than Significant Impact. The project site is currently vacant. The Southern California Gas Company provides natural gas to the surrounding area. Additionally, Southern California Edison currently provides electricity services to the surrounding area. The proposed project would install onsite electrical and natural gas infrastructure that would connect to the existing offsite lines.

Construction

During construction of the proposed project, energy would be consumed in three general forms:

1. Petroleum-based fuels used to power off-road construction vehicles and equipment on the project sites, construction worker travel to and from the project sites, as well as delivery truck trips;
2. Electricity associated with providing temporary power for lighting and electric equipment; and
3. Energy used in the production of construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Construction activities related to the proposed building and the associated infrastructure would not be expected to result in demand for fuel greater on a per-unit-of-development basis than other development projects in southern California. In addition, the extent of construction activities that would occur is limited to a 12-month period, and the demand for construction-related electricity and fuels would be limited to that time frame.

Construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment as part of the City’s construction permitting process. In addition, compliance with existing CARB idling restrictions would reduce fuel combustion and energy consumption. The energy modeling shows that project construction electricity usage over the 12-month construction period is estimated to use 14,517 gallons of diesel fuel, as shown in Table E-1.

Table E-1: Estimated Construction Equipment Diesel Fuel Consumption

Activity	Equipment	Project Number	Project Hours per day	Default Horsepower	Default Load Factor	Days of Construction	Total Horsepower-hours	Fuel Rate (gal/hp-hr)	Fuel Use (gallons)
Site Preparation	Rubber Tired Dozer	3	8	247	0.4	10	23,712	0.020461	485
	Crawler Tractor	4	8	212	0.43	10	29,171	0.022173	647
Grading	Excavators	1	8	158	0.38	30	28,819	0.019763	570
	Graders	1	8	187	0.41	30	18,401	0.021143	389
	Rubber Tired Dozers	1	8	247	0.4	30	23,712	0.020461	485
	Crawler Tractor	3	8	212	0.43	30	65,635	0.022173	1,455
Building Construction	Crane	1	7	231	0.29	200	93,786	0.014896	1,397
	Forklifts	3	8	89	0.2	200	85,440	0.019105	1,632
	Tractors/Loaders/Backhoes	3	7	97	0.37	200	150,738	0.023965	3,612
	Welders	1	8	46	0.45	200	33,120	0.023965	794
	Generator Set	1	8	84	0.74	200	99,456	0.023965	2,383
Paving	Pavers	2	8	130	0.42	20	17,472	0.021525	376

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ISSUES & SUPPORTING INFORMATION SOURCES:					Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
	Paving Equipment	2	8	132	0.36	20	15,206	0.018334	279
	Rollers	2	8	80	0.38	20	9,728	0.019412	189
Architectural Coating	Air Compressor	1	6	78	0.48	20	4,493	0.023965	108
TOTAL								14,517	

Source: CalEEMod Emission Summary (Appendix A)

Table E-2 shows that construction workers would use approximately 5,278 gallons of fuel to travel to and from the project site, and haul trucks and vendor trucks would use approximately 5,254 gallons of diesel fuel.

Table E-2: Estimated Construction Vehicle Trip Related Fuel Consumption

Construction Source	Gallons of Diesel Fuel	Gallons of Gasoline Fuel
Haul Trucks	2,902	0
Vendor Trucks	2,352	0
Worker Vehicles	0	5,278
Construction Vehicles Total	5,254	5,278

Source: CalEEMod Emission Summary (Appendix A)

Overall, construction activities would comply with all existing regulations, and would therefore not be expected to use fuel in a wasteful, inefficient, and unnecessary manner. Thus, impacts related to construction energy usage would be less than significant.

Operation

Once operational, the project would generate demand for electricity, natural gas, as well as gasoline for motor vehicle trips. Operational use of energy includes the heating, cooling, and lighting of the residences, water heating, operation of electrical systems and plug-in appliances, and outdoor lighting, and the transport of electricity, natural gas, and water to the residences where they would be consumed. This use of energy is typical for urban development, no additional energy infrastructure would be required to be built to operate the project, and no operational activities would occur that would result in extraordinary energy consumption.

The proposed project would be required to meet the current Title 24 energy efficiency standards. The City's administration of the Title 24 requirements includes review of design components and energy conservation measures that occurs during the permitting process, which ensures that all requirements are met. Typical Title 24 measures include insulation; use of energy-efficient heating, ventilation and air conditioning equipment (HVAC); solar-reflective roofing materials; energy-efficient indoor and outdoor lighting systems; reclamation of heat rejection from refrigeration equipment to generate hot water; and incorporation of skylights, etc. In complying with the Title 24 standards, impacts to peak energy usage periods would be minimized, and impacts on statewide and regional energy needs would be reduced. As detailed in Table E-3, operation of the proposed project is estimated to result in the annual use of approximately 47,536 gallons of fuel, approximately 348,659 kilowatt-hour (kWh) of electricity, and approximately 1,223,850 thousand British thermal units (kBtu) of natural gas. Thus, operation of the project would not use large amounts of energy or fuel in a wasteful manner, and operational energy impacts would be less than significant.

Table E-3: Estimated Annual Operational Energy Consumption

Operational Source (value per year)		
Energy Source	Annual VMT	Gallons of Gasoline Fuel
Transportation – Project	1,283,482	47,536 ⁽¹⁾

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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	Thousands Kilowatt-Hours			
Electricity – Project	348,659			
	Thousands British Thermal Units			
Natural Gas – Project	1,223,850			
<p>Note: ⁽¹⁾ Based on an average fleet fuel consumption rate of 27 mile/gallon based on EMFAC2017 fuel use and CalEEMod fleet miles. Source: see Fuel Usage Spreadsheet and CalEEMod output Source: CalEEMod Emission Summary (Appendix A)</p>				

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

No Impact. The proposed project would be required to meet the CalGreen energy efficiency standards in effect during permitting of the project. The City’s administration of the requirements includes review of design components and energy conservation measures during the permitting process, which ensures that all requirements are met. In addition, the project would not conflict with or obstruct opportunities to use renewable energy, such as solar energy. As discussed, the project proposes to use photovoltaic (PV) solar panels on each of the residences to offset their energy demand in accordance with Title 24. As such, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would not occur.

Existing Plans, Programs, or Policies

PPP GHG-1: CalGreen Compliance, provided in Section 8, *Greenhouse Gas Emissions*.

Mitigation Measures

None.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 7 – Conservation Element – Section 7.6 – Energy Resources
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. Summary of CalEEMod Model Runs and Output for the Moreno Valley Residential Project. March 24, 2020. Prepared by Vince Mirabella (Appendix A).
5. City of Moreno Valley Energy Efficiency and Climate Action Strategy. Accessed at: <http://www.moval.org/pdf/efficiency-climate112012nr.pdf> (Accessed May 27, 2021).

VII. GEOLOGY AND SOILS – Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to https://www.conservation.ca.gov/cgs/Documents/SP_042.pdf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Response:
No Impact. The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone or County of Riverside Fault zone. As described by the Preliminary Soil Investigation prepared for the proposed project, the nearest known active fault zone is the San Jacinto fault zone located approximately 2.78 miles from the project site (GEO 2020). Thus, the proposed project would not expose people or structures to potential substantial adverse effects from rupture of a known earthquake fault that is delineated on an Alquist-Priolo Earthquake Fault Zoning Map, and impacts would not occur.

ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. The project site is located within a seismically active region of Southern California. As mentioned previously, the San Jacinto Fault is located approximately 2.78 miles from the site (GEO 2020). Thus, moderate to strong ground shaking can be expected at the site. The amount of motion can vary depending upon the distance to the fault, the magnitude of the earthquake, and the local geology. Greater movement can be expected at sites located closer to an earthquake epicenter, that consists of poorly consolidated material such as alluvium, and in response to an earthquake of great magnitude.

Structures built in the City are required to be built in compliance with the California Building Code (CBC [California Code of Regulations, Title 24, Part 2]), included in the Municipal Code as Chapter 8.20. In addition, PPP GEO-1 has been included to provide provisions for earthquake safety based on factors including occupancy type, the types of soils onsite, and the probable strength of the ground motion. Compliance with the CBC would include the incorporation of: 1) seismic safety features to minimize the potential for significant effects as a result of earthquakes; 2) proper building footings and foundations; and 3) construction of the building structures so that it would withstand the effects of strong ground shaking. Because the proposed project would be constructed in compliance with the CBC, the proposed project would result in a less than significant impact related to strong seismic ground shaking.

iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. Soil liquefaction is a phenomenon in which saturated, cohesionless soils layers, located within approximately 50 feet of the ground surface, lose strength due to cyclic pore water pressure generation from seismic shaking or other large cyclic loading. During the loss of stress, the soil acquires “mobility” sufficient to permit both horizontal and vertical movements. Soil properties and soil conditions such as type, age, texture, color, and consistency, along with historical depths to ground water are used to identify, characterize, and correlate liquefaction susceptible soils.

Soils that are most susceptible to liquefaction are clean, loose, saturated, and uniformly graded fine-grained sands that lie below the groundwater table within approximately 50 feet below ground surface. Lateral spreading is a form of seismic ground failure due to liquefaction in a subsurface layer.

According to the Preliminary Soil Investigation for the proposed project, the site is located within an area of moderate liquefaction potential. Liquefaction is a process in which strong ground shaking causes saturated soils to lose their strength and behave as a fluid. The potential for and magnitude of lateral spreading is dependent upon many conditions, including the presence of a relatively thick, continuous, potentially liquefiable sand layer and high slopes. Subsurface information obtained from the Preliminary Soil Investigation indicates that after compaction onsite soils, indicated settlement of saturated sands is 0 inches and unsaturated sands is 1.14 inches. Based on currently available procedures, the site does not appear to be susceptible to lateral spread during a moderate seismic event. In addition, the Preliminary Soil Investigation determined that groundwater, seepage or wet soils were not encountered in exploratory borings drilled to a maximum depth of 50 feet (GEO 2020).

In addition, as described previously, structures built in the City are required to be built in compliance with the CBC, as included in the City’s Municipal Code as Chapter 8.20 (and herein as PPP GEO-1), which implements specific requirements for seismic safety, excavation, foundations, retaining walls and site demolition. Compliance with the CBC, as included as PPP GEO-1, would require specific engineering design recommendations be incorporated into grading plans and building specifications as a condition of construction permit approval to ensure that project structures would withstand the effects of seismic ground movement, including liquefaction and settlement. Compliance with the

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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requirements of the CBC and City’s municipal code for structural safety (included as PPP GEO-1) would reduce hazards from seismic-related ground failure, including liquefaction and settlement to a less than significant level.

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. Landslides and other slope failures are secondary seismic effects that are common during or soon after earthquakes. Areas that are most susceptible to earthquakes induced landslides are steep slopes underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits.

As described above, the project site is located in a seismically active region subject to strong ground shaking. However, the project site is flat and does not contain any hills or any other areas that could be subject to landslides. In addition, the local vicinity is flat and does not contain any hills. Therefore, the project would not cause potential substantial adverse effects related to slope instability or seismically induced landslides.

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. Construction of the project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities that would be required for the proposed project would expose and loosen topsoil, which could be eroded by wind or water.

The City’s Municipal Code Section 8.21.170 implements all applicable requirements of the State Water Resources Control Board (SWRCB) and the Santa Ana Regional Water Quality Control Board (SARWQCB), and all projects in the City are required to conform to the permit requirements. This includes installation of Best Management Practices (BMPs) in compliance with the NPDES permit, which establishes minimum stormwater management requirements and controls that are required to be implemented for the proposed project. To reduce the potential for soil erosion and the loss of topsoil, a Stormwater Pollution Prevention Plan (SWPPP) is required by the Regional Water Quality Control Board (RWQCB) regulations to be developed by a QSD (Qualified SWPPP Developer). The SWPPP is required to address site-specific conditions related to specific grading and construction activities such as, potential sources of erosion and sedimentation loss of topsoil during construction, and identification of erosion control BMPs to reduce or eliminate the erosion and loss of topsoil, such as use of silt fencing, fiber rolls, or gravel bags, stabilized construction entrance/exit, hydroseeding. With compliance with the City’s Municipal Code, RWQCB requirements, and the BMPs in the SWPPP that are required to be prepared to implement the project (included as PPP WQ-1), construction impacts related to erosion and loss of topsoil would be less than significant.

In addition, the proposed project includes installation of landscaping, such that during operation of the project substantial areas of loose topsoil that could erode would not exist. In addition, as described in Section 10, *Hydrology and Water Quality*, the onsite drainage features that would be installed by the project have been designed to slow, filter, and slowly discharge stormwater into the offsite drainage system, which would also reduce the potential for stormwater to erode topsoil during project operations. Furthermore, implementation of the project requires City approval of a site specific Water Quality Management Plan (WQMP), which would ensure that the City’s Municipal Code, RWQCB requirements, and appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. As described above, the project site is flat, and does not contain nor is adjacent to any slope or hillside area. The project would not create slopes. Thus, on or off-site landslides would not occur from implementation of the project.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Lateral spreading, a phenomenon associated with seismically induced soil liquefaction, is a display of lateral displacement of soils due to inertial motion and lack of lateral support during or post liquefaction. It is typically exemplified by the formation of vertical cracks on the surface of liquefied soils, and usually takes place on gently sloping ground or level ground with nearby free surface such as drainage or stream channel. According to the Preliminary Soil Investigation, subsurface information indicates that high slopes are not anticipated. In addition, based on currently available procedures, the site does not appear to be susceptible to (lateral spread) ground surface disruption during a moderate seismic event (GEO 2020). Thus, the soils are not susceptible to lateral spreading and impacts related to liquefaction and lateral spreading would be less than significant.

Differential settlement or subsidence could occur if buildings or other improvements are built on low-strength foundation materials (including imported fill) or if improvements straddle the boundary between different types of subsurface materials (e.g., a boundary between native material and fill). Although differential settlement generally occurs slowly enough that its effects are not dangerous to inhabitants, it can cause building damage over time. Seismic settlement in dry soils generally occurs in loose sands and silty sands, with cohesive soils being less prone to significant settlement. The Preliminary Soil Investigation determined that overexcavation and recompaction of loose surficial soils are anticipated to provide adequate and uniform support for the proposed structures (GEO 2020). Project design and implementation would comply with the recommendations of the required Preliminary Soil Investigation prepared for the project site, which would ensure impacts related to settlement and subsidence would be less than significant.

In summary, with implementation of the recommendations in the project's Preliminary Soil Investigation, potentially significant impacts related to unstable soils or geologic units that would become unstable as a result of the project, resulting in on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse, would be reduced to a less than significant level, and no mitigation would be required.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. Expansive soils contain certain types of clay minerals that shrink or well as the moisture content changes; the shrinking or swelling can shift, crack, or break structures built on such soils. Arid or semiarid areas with seasonal changes of soil moisture experiences, such as southern California, have a higher potential of expansive soils than areas with higher rainfall and more constant soil moisture.

The Preliminary Soil Investigation performed an evaluation of the potential for expansive soils at the site, which determined that the expansion potential of onsite near surface silty sands is expected to be very low (EI<20) (GEO 2020). However, as described previously, compliance with the CBC, included as PPP GEO-1, would require specific engineering design recommendations be incorporated into grading plans and building specifications as a condition of construction permit approval to ensure that project structures would withstand the effects of related to ground movement, including expansive soils. Thus, impacts would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. The project would not use septic tanks or alternative methods for disposal of wastewater into subsurface soils. Furthermore, the proposed project would connect to existing public wastewater infrastructure. Therefore, the project would not result in any impacts related to septic tanks or alternative wastewater disposal methods.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Response:
Less than Significant Impact with Mitigation Incorporated. The Phase 1 Cultural and Paleontological Resources Assessment prepared for the project included a locality search through the Natural History Museum of Los Angeles County (LACM) to identify any previously identified paleontological resources near the project site.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The Phase 1 Cultural and Paleontological Overview determined that the project area consists of surficial deposits of younger Quaternary deposits overlying older Quaternary deposits. The younger deposits are not conducive to yielding paleontological specimens. However, the deeper, older alluvial deposits may, in fact, yield such resources. The project area should be considered sensitive for buried paleontological resources (McKenna 2020).

Therefore, based on the results of the Phase I Paleontological Resources Assessment, the project area is considered to have high sensitivity for the potential to impact paleontological resources during construction activities at or below 5 feet in undisturbed sedimentary deposits. McKenna recommends preparation of a Paleontological Resources Impact Mitigation Plan (PRIMP) prior to construction excavation. Thus, Mitigation Measure PAL-1 has been included to require preparation of a PRMP and that a professional paleontologist be hired to oversee monitoring. With implementation of Mitigation Measure PAL-1, impacts to paleontological resources would be less than significant.

Existing Plans, Programs, or Policies

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.

PPP WQ-1: Stormwater Pollution Prevention Plan, provided in Section 10, *Hydrology and Water Quality*.

PPP WQ-2: Water Quality Management Plan, provided in Section 10, *Hydrology and Water Quality*.

Mitigation Measures

Mitigation Measure PAL-1: Paleontological Resources. A paleontologist selected from the roll of qualified paleontologists maintained by the City shall be retained to provide spot-check monitoring services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological spot-check monitoring of excavation that exceeds depths of 5 feet. The PRIMP shall state that the project paleontologist shall re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than 5 feet have been completed.

In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery 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.

Criteria for discard of specific fossil specimens will 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.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 6 – Safety Element – Section 6.5 – Geologic Hazards
 - Figure 5-3 – Geologic Faults & Liquefaction
 - Chapter 7 – Conservation Element – Section 7.4 -- Soils
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.6 – Geology and Soils
 - Figure 4.6-1 – Geology
 - Figure 4.6-2 – Seismic Hazards

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<ol style="list-style-type: none"> 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code 4. Moreno Valley Municipal Code Chapter 8.21 – Grading Regulations 5. Local Hazard Mitigation Plan, City of Moreno Valley Fire Department, adopted October 4, 2011, amended 2017, http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf <ul style="list-style-type: none"> • Chapter 4 – Earthquake <ul style="list-style-type: none"> - Figure 3-1 – Right-Lateral Strike -Slip Fault - Figure 3-1.1 – Moreno Valley Geologic Faults and Liquefaction 2016 - Figure 3-1.2 – Moreno Valley Area Ground Shaking Map • Chapter 8 – Landslide <ul style="list-style-type: none"> - Figure 7-1 – Moreno Valley Slope Analysis 2016 6. Emergency Operations Plan, City of Moreno Valley, March 2009, http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf <ul style="list-style-type: none"> • Threat Assessment 1 – Major Earthquakes <ul style="list-style-type: none"> - Figure 8 – Types of Faults - Figure 9 – Earthquake Faults - Figure 11 – Comparison of Richter Magnitude and Modified Mercalli Intensity - Figure 12 – Magnitude 4.5 or Greater Earthquake Map - Figure 13 – Geologic Faults and Liquefaction 7. Phase I Cultural Resources Investigation and Paleontological Overview for Tentative Tract Map No. 37858, City of Moreno Valley, Riverside County, California. March 18, 2020. Prepared by McKenna et al. (Appendix D). 8. Preliminary Soil Investigation, Infiltration Test and Liquefaction Evaluation Report, Proposed Residential Development Site (41 Lots), Cactus Avenue and Bradshaw Circle (APN 478-090-018, -024 and -025), City of Moreno Valley, California. January 21, 2020. Prepared by Soil Exploration Company, Inc. (Appendix E). 				

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VIII. GREENHOUSE GAS EMISSIONS – Would the project:

GHG Thresholds

The City of Moreno Valley has not adopted a numerical significance threshold to evaluate greenhouse gas (GHG) impacts. SCAQMD does not have approved thresholds; however, it does have draft thresholds that provides a tiered approach to evaluate GHG impacts, which includes the following:

- Tier 1 consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA.
- Tier 2 consists of determining whether the project is consistent with a GHG reduction plan. If a project is consistent with a qualifying local GHG reduction plan, it does not have significant GHG emissions.
- Tier 3 consists of screening values, which the lead agency can choose, but must be consistent with all projects within its jurisdiction. A project’s construction emissions are averaged over 30 years and are added to the project’s operational emissions. If a project’s emissions are below one of the following screening thresholds, then the project is less than significant:
 - Residential and Commercial land use: 3,000 MTCO₂e per year
 - Industrial land use: 10,000 MTCO₂e per year
 - Based on land use type: residential: 3,500 MTCO₂e per year; commercial: 1,820 MTCO₂e per year; or mixed use: 3,000 MTCO₂e per year

The SCAQMD’s draft threshold uses the Executive Order S-3-05 year 2050 goal as the basis for the Tier 3 screening level. Achieving the Executive Order’s objective would contribute to worldwide efforts to cap CO₂ concentrations at 450 ppm, thus stabilizing global climate. Therefore, for purposes of examining potential GHG impacts from implementation of the proposed project, and to provide a conservative analysis of potential impacts, the Tier 3 screening level for all land use projects of 3,000 MTCO₂e was selected as the significance threshold (AQ 2020).

In addition, SCAQMD methodology for project’s construction are to average them over 30-years and then add them to the project’s operational emissions to determine if the project would exceed the screening values listed above (AQ 2020).

Climate Action Plan

The City of Moreno Valley adopted an Energy Efficiency and Climate Action Strategy document in 2012. The Energy Efficiency and Climate Action Strategy is a policy document which identifies ways that the City can reduce energy and water consumption and GHG emissions as an organization (its employees and the operation of its facilities) and outlines the actions that the City can encourage and community members can employ to reduce their own energy and water consumption and GHG emissions. The project involves the construction and operation of 37 single-family residences that would fall under the scope of these policies.

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

Less Than Significant Impact. Construction activities produce GHG emissions from various sources, such as site excavation, grading, utility engines, heavy-duty construction vehicles onsite, equipment hauling materials to and from the site, asphalt paving, and motor vehicles transporting the construction crew.

In addition, operation of the proposed residences would result in area and indirect sources of operational GHG emissions that would primarily result from vehicle trips, electricity and natural gas consumption, water transport (the energy used to pump water), and solid waste generation. GHG emissions from electricity consumed by the residences would be generated off-site by fuel combustion at the electricity provider. GHG emissions from water transport are also indirect emissions resulting from the energy required to transport water from its source.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The estimated operational GHG emissions that would be generated from implementation of the proposed project are shown in Table GHG-1.³ Additionally, in accordance with SCAQMD recommendation, the project’s amortized construction related GHG emissions are added to the operational emissions estimate in order to determine the project’s total annual GHG emissions.

Table GHG-1: Greenhouse Gas Emissions

Activity	Annual GHG Emissions (MTCO _{2e})
Project Operational Emissions Area	0
Energy	150
Mobile	585
Waste	24
Water	16
Total	775
Project Construction Emissions	15
Project Construction and Operation	790
Significance Threshold	3,000
Project Exceeds Threshold?	No

Source: CalEEMod, Appendix A

As shown on Table GHG-1, the combined construction and operation of the project would result in a total increase in GHG emissions of 790 MTCO_{2e} per year, which would not exceed the significance threshold of 3,000 MTCO_{2e} per year.⁴ Therefore, impacts related to greenhouse gas emissions would be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. The proposed project would redevelop the site with single-family residences that would comply with state programs that are designed to be energy efficient. The proposed project would comply with all mandatory measures under the California Title 24, California Energy Code, and the CalGreen Code, which would provide efficient energy and water consumption. The City’s administration of the requirements includes review of the energy conservation measures during the permitting process, which ensures that all requirements are met. In addition, the project includes photovoltaic (PV) solar panels to offset the energy demand. Therefore, the proposed project would not conflict with existing plans, policies, and regulations adopted for the purpose of reducing the emissions of greenhouse gas.

Existing Plans, Programs, or Policies
PPP GHG-1: CalGreen Compliance. The project is required to comply with the CalGreen Building Code as included in the City’s Municipal Code to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.

³ It should be noted the GHG analysis analyzed 38 dwelling units based on an earlier iteration of the project’s site plan. As the project proposes 37 dwelling units, the project-generated emissions calculated in the GHG analysis are therefore highly conservative.

⁴ It should be noted that the air quality analysis was modeled using CalEEMod Version 2020.4 (V2020.4). The latest version of CalEEMod, V2022.1, was run for the project using 1st Edition Trip rates and found that GHG impacts from construction & operation would continue to be less than significant utilizing the latest CalEEMod version.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation Measures

None.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. California’s 2017 Climate Change Scoping Plan, prepared by the California Air Resources Board, November 2017, https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf, (Accessed May 27, 2021)
5. Summary of CalEEMod Model Runs and Output for the Moreno Valley Residential Project. March 24, 2020. Prepared by Vince Mirabella (Appendix A).
6. City of Moreno Valley Energy Efficiency and Climate Action Strategy. Accessed at: <http://www.moval.org/pdf/efficiency-climate112012nr.pdf> (Accessed May 27, 2021)

IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

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

Less Than Significant Impact. A hazardous material is defined as any material that, due to its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous wastes, and any material that regulatory agencies have a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the home, workplace, or environment. Hazardous wastes require special handling and disposal because of their potential to damage public health and the environment.

Construction

The proposed construction activities would involve the routine transport, use, and disposal of hazardous materials such as paints, solvents, oils, grease, and caulking during construction activities. In addition, hazardous materials would routinely be needed for fueling and servicing construction equipment on the site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by federal and state regulations that are implemented by the City during building permitting for construction activities. Construction would also include temporary dewatering during excavation for utility installations if the excavation is deep enough to encounter groundwater. If such excavations are in the vicinity of the impacted groundwater in the northeast portion of the site, the water would either be contained and transported to a licensed off-site treatment facility or treated on site before discharge under a county permit to the sanitary sewer. As a result, construction of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts would be less than significant.

Operation

The project involves operation of 37 new single-family residences. Residential uses typically do not present a hazard associated with the accidental release of hazardous substances into the environment because residents are not anticipated to use, store, dispose, or transport large volumes of hazardous materials. Hazardous substances associated with residential uses are typically limited in both amount and use. Project operation would involve the use of potentially hazardous materials (e.g., solvents, cleaning agents, paints, fertilizers, and pesticides) typical of residential uses that, when used correctly and in compliance with existing laws and regulations, would not result in a significant hazard to people in the vicinity of the proposed project. Therefore, impacts associated with the disposal of hazardous materials and/or the potential release of hazardous materials that could occur with the implementation of the proposed project would be less than significant.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. A Phase I ESA was prepared by Robin Environmental Management (REM) in April 2020 for the project site. The purpose of the Phase I analysis was to evaluate the project site for potential Recognized Environmental Concerns (RECs) that may be present, off-site conditions that may impact the subject property, and/or conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the project site. ASTM defines a Recognized Environmental Condition (REC) as "the presence or likely presence of an hazardous substance or petroleum products in, on, or at a property: 1) due to release to the environment; 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a material threat of a future release to the environment."
 The Phase I ESA was performed in conformance with the scope and limitations of ASTM Practice E-1527-13 with a field survey of the subject site and adjacent properties on April 15, 2020.
 According to the Phase I, the subject property was not recognized being listed on the following environmental regulatory database record research (NETR database): NPL, RCRA-TSD, CERCLIS, NFRAP, RCRA-G, ERNS, CORRACTS, CORTESE, CALSITES, LUST, UST, and SWF (Phase I 2020). In addition, based on the conducted government records search, there is one Emergency Response Notification System site (the 22520 Cactus Ave site) shown as a potential environmental concern within the vicinity of the project site. However, the Phase I checked the location of 22520 Cactus Avenue site, a Chevron gas station, via internet search and concluded that the 22520 Cactus Avenue site is actually located in the southwestern portion of the City of Moreno Valley, several miles to the west of the subject property, and was misplaced by the conducted government records search as nearby site with environmental concern (Phase I 2020). Thus, there are no records of potential environmental concerns within the vicinity of the project site.
 Based on site observations, interviews and review of available documents and the database records search, the Phase I concluded that there is no evidence of recognized environmental conditions in connection with the property and no Phase II (subsurface investigation) environmental assessment would be required (Phase I 2020). Thus, the proposed project would not create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment and impacts would be less than significant.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. The proposed residential project would not produce hazardous emissions or handle acutely hazardous materials, substances, or wastes. The nearest school to the project site is Ridge Crest Elementary School, which is located approximately 0.3 miles southeast of the project site. Thus, the proposed project is not within one-quarter mile of an existing school. In addition, the proposed project is not anticipated to release hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes in significant quantities. Construction activities associated with the proposed project would use a limited amount of hazardous and flammable substances/oils during heavy equipment operation for site excavation, grading, and construction. The amount of hazardous chemicals present during construction is limited and would be contained in compliance with existing government regulations. Residences would not require the use, storage, disposal, or transport of large volumes of hazardous materials that could cause serious environmental damage in the event of an accident. Although hazardous substances would be present and utilized at these residences, such substances are generally present now in the existing development, are typically found in small quantities, and can be cleaned up without affecting the environment. Therefore, impacts related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school would be less than significant.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Response: No Impact. The Phase I Environmental Site Assessment (Phase I 2020) prepared for the project conducted a database search to determine if the project site or any nearby properties are identified as having hazardous materials. The Phase I record search determined that the project site was not recognized being listed on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Phase I 2020). As a result, impacts related to hazards from being located on or adjacent to a hazardous materials site would not occur from implementation of the proposed project.</p>				
<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Response: Less than Significant Impact. The project site is not within 2 miles of an airport. The nearest airport is the March Air Reserve Base that is located approximately 5.2 miles west of the project site. According to the March Air Reserve Base Land Use Compatibility Plan, the proposed project is not located in a compatibility zone. Additionally, the residential development would not be of a sufficient height to require modifications to the existing air traffic patterns at the airport and, therefore, would not affect aviation traffic levels or otherwise result in substantial aviation-related safety risks. Therefore, the proposed project would not result in impacts to an airport land use plan, or where such a plan has not been adopted, and would not result in a safety hazard or excessive noise for people residing or working in the project area. As such, impacts would be less than significant.</p>				
<p>f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Response: Less Than Significant Impact. The proposed project would not physically interfere with an adopted emergency response plan or emergency evacuation plan. Construction Short-term construction activities would occur within the project site and would not restrict access of emergency vehicles to the project site or adjacent areas. In addition, travel along surrounding roadways would remain open and would not interfere with emergency access in the site vicinity. Any temporary lane closures needed for utility connections to Bradshaw Circle or Cactus Avenue, or driveway access construction would be implemented consistent with the recommendations of the California Joint Utility Traffic Control Manual (Caltrans 2014), as incorporated into the construction permits. Thus, impacts related to an emergency response or evacuation plan during construction would be less than significant. Operation Direct access to the project site would be provided from Bradshaw Circle by two driveways. The project is required to provide internal streets and fire suppression facilities (e.g., hydrants and sprinklers) that conform to the California Fire Code requirements, included as Municipal Code Chapter 8.36, as verified through the City's permitting process. As such, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.</p>				
<p>g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Response: No Impact. The project site is not within an area identified as a Fire Hazard Area that may contain substantial fire risk or a Very High Fire Hazard Severity Zone (VHFHSZ) (CAL FIRE 2020). Therefore, the project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires and impacts would not occur.</p>				

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Existing Plans, Programs, or Policies				
None.				
Mitigation Measures				
None.				
Sources:				
<ol style="list-style-type: none"> 1. Moreno Valley General Plan, adopted July 11, 2006 <ul style="list-style-type: none"> • Chapter 6 – Safety Element – Section 6.2.8 – Wildland Urban Interface • Chapter 6 – Safety Element – Section 6.9 – Hazardous Materials • Chapter 6 – Safety Element – Section 6.10 – Air Crash Hazards <ul style="list-style-type: none"> - Figure 5-5 – Air Crash Hazards 2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006 <ul style="list-style-type: none"> • Section 5.5 – Hazards and Hazardous Materials <ul style="list-style-type: none"> - Figure 4.5-1 – Hazardous Materials Sites - Figure 4.5-2 – Floodplains and High Fire Hazard Areas - Figure 4.5-3 – City Areas Affected by Aircraft Hazard Zones 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code 4. March Air Reserve Base (MARB)/March Inland Port (MIP) Airport Land Use Compatibility Plan (ALUCP) on November 13, 2014, (http://www.rcaluc.org/Portals/13/17%20-%20Vol.%201%20March%20Air%20Reserve%20Base%20Final.pdf?ver=2016-08-15-145812-700) 5. Local Hazard Mitigation Plan, City of Moreno Valley Fire Department, adopted October 4, 2011, amended 2017, http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf <ul style="list-style-type: none"> • Chapter 5 – Wildland and Urban Fires <ul style="list-style-type: none"> - Figure 4-2 – Moreno Valley High Fire Area Map 2016 • Chapter 12 – Dam Failure/Inundation <ul style="list-style-type: none"> - Figure 12-2 Moreno Valley Evacuation Routes Map 2015 • Chapter 13 – Pipeline <ul style="list-style-type: none"> - Figure 13-1 – Moreno Valley Pipeline Map 2016 • Chapter 14 – Transportation <ul style="list-style-type: none"> - Figure 14-1.1 – Moreno Valley Air Crash Hazard Area Map 2016 • Chapter 16 – Hazardous Materials Accident <ul style="list-style-type: none"> - Moreno Valley Hazardous Materials Site Locations Map 2016 6. Emergency Operations Plan, City of Moreno Valley, March 2009, http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf <ul style="list-style-type: none"> • Hazard Mitigation and Hazard Analysis • Threat Assessment 2 – Hazardous Materials • Threat Assessment 3 – Wildfire • Threat Assessment 6 – Transportation Emergencies <ul style="list-style-type: none"> - Figure 17 – Air Crash Hazards 7. California Department of Forestry and Fire Protection (CAL FIRE). 2020. Fire Hazard Severity Zone Map. Accessed: https://forestwatch.maps.arcgis.com/apps/Styler/index.html?appid=5e96315793d445419b6c96f89ce5d153 (Accessed May 26, 2021). 8. Phase I Environmental Site Assessment, APN 478-090-018, 024, & 025, Moreno Valley, CA. April 30, 2020. Prepared by Robin Environmental Management (REM) (Appendix F). 9. March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. November 13, 2014. Adopted by the Riverside County Airport Land Use Commission (RCALUC). Accessed: http://www.rcaluc.org/Portals/13/17%20-%20Vol.%201%20March%20Air%20Reserve%20Base%20Final.pdf (Accessed May 26, 2021). 				

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. HYDROLOGY AND WATER QUALITY – Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact.
Construction
 Implementation of the proposed project includes site preparation, construction of new buildings, and infrastructure improvements. Grading, stockpiling of materials, excavation, construction of new structures, and landscaping activities would expose and loosen sediment and building materials, which would have the potential to mix with stormwater and urban runoff and degrade surface and receiving water quality.

Additionally, construction generally requires the use of heavy equipment and construction-related materials and chemicals, such as concrete, cement, asphalt, fuels, oils, antifreeze, transmission fluid, grease, solvents, and paints. In the absence of proper controls, these potentially harmful materials could be accidentally spilled or improperly disposed of during construction activities and could wash into and pollute surface waters or groundwater, resulting in a significant impact to water quality.

Pollutants of concern during construction activities generally include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. In addition, chemicals, liquid products, petroleum products (such as paints, solvents, and fuels), and concrete-related waste may be spilled or leaked during construction, which would have the potential to be transported via storm runoff into nearby receiving waters and eventually may affect surface or groundwater quality. During construction activities, excavated soil would be exposed, thereby increasing the potential for soil erosion and sedimentation to occur compared to existing conditions. In addition, during construction, vehicles and equipment are prone to tracking soil and/or spoil from work areas to paved roadways, which is another form of erosion that could affect water quality.

However, the use of BMPs during construction implemented as part of a SWPPP as required by the NPDES General Construction Permit and included as PPP WQ-1 would serve to ensure that project impacts related to construction activities resulting in a degradation of water quality would be less than significant. Furthermore, an Erosion and Sediment Transport Control Plan prepared by a qualified SWPPP developer (QSD) is required to be included in the SWPPP for the project, and typically includes the following types of erosion control methods that are designed to minimize potential pollutants entering stormwater during construction:

- Prompt revegetation of proposed landscaped areas;
- Perimeter gravel bags or silt fences to prevent off-site transport of sediment;
- Storm drain inlet protection (filter fabric gravel bags and straw wattles), with gravel bag check dams within paved roadways;
- Regular sprinkling of exposed soils to control dust during construction and soil binders for forecasted wind storms;
- Specifications for construction waste handling and disposal;
- Contained equipment wash-out and vehicle maintenance areas;
- Erosion control measures including soil binders, hydro mulch, geotextiles, and hydro seeding of disturbed areas ahead of forecasted storms;
- Construction of stabilized construction entry/exits to prevent trucks from tracking sediment on City roadways;
- Construction timing to minimize soil exposure to storm events; and
- Training of subcontractors on general site housekeeping.

Therefore, compliance with the Statewide General Construction Activity Stormwater Permit requirements, included as PPP WQ-1, which would be verified during the City’s construction permitting process, would ensure that project impacts related to construction activities resulting in a degradation of water quality would be less than significant.

Operation

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed project includes operation of single-family residential uses. Potential pollutants associated with the proposed uses include various chemicals from cleaners, pathogens from pet wastes, nutrients from fertilizer, pesticides and sediment from landscaping, trash and debris, and oil and grease from vehicles. If these pollutants discharge into surface waters, it could result in degradation of water quality.

In the existing condition, site drainage sheet flows across the property to the west towards Bradshaw Circle. A portion of the site’s drainage, identified as Area 1, flows southerly to Cactus Avenue where it is collected by a series of catch basins within Cactus Avenue, and is ultimately directed into an offsite storm drain. Onsite drainage flows within Area 2 flow offsite towards Bradshaw Circle and Cactus Avenue where the flows are collected by a series of existing catch basins along Cactus Avenue. (Hydrology 2021)

In the developed condition, onsite flows would be conveyed to one of two onsite bioretention basins (Lots A and B), and these basins would connect to a new 24-inch diameter storm drain in Bradshaw Circle which would connect to the existing RCFC Storm Drain Line F-4 in Cactus Avenue. The project would result in a net incremental increase of 0.49 cubic feet per second of flow to the storm drain in Cactus Avenue; however, the storm drain would be able to accommodate this increase without impact nor would offsite properties be impacted. (Hydrology 2021)

As described previously, the WQMP is required to be approved prior to the issuance of a building or grading permit. The project’s WQMP would be reviewed and approved by the City to ensure it complies with the Santa Ana RWQCB MS4 Permit regulations. In addition, the City’s permitting process would ensure that all BMPs in the WQMP would be implemented with the project. Overall, implementation of the WQMP pursuant to the existing regulations (included as PPP WQ-2), would ensure that operation of the proposed project would not violate any water quality standards, waste discharge requirements, or otherwise degrade water quality; and impacts would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:

Less Than Significant Impact. EMWD’s 2015 Urban Water Management Plan (UWMP) describes that EMWD’s local supplies include groundwater, desalinated groundwater, and recycled water.⁵ Groundwater is pumped from the Hemet/San Jacinto and West San Jacinto areas of the San Jacinto Groundwater Basin. Groundwater in portions of the West San Jacinto Basin is high in salinity and requires desalination for potable use. EMWD owns and operates two desalination plants that convert brackish groundwater from the West San Jacinto Basin into potable water. EMWD also owns, operates, and maintains its own recycled water system that consists of four Regional Water Reclamation Facilities and several storage ponds spread throughout EMWD’s service area that are all connected through the recycled water system.

As detailed on Table WQ-1, the EMWD’s 2015 Urban Water Management Plan (UWMP) shows that the anticipated production of groundwater would remain the same between 2020 and 2040, however, the anticipated production of desalinated groundwater would increase by 3,100 acre-feet per year (AFY) between 2020 and 2040. In 2040, groundwater and desalinated groundwater would provide 11.4 percent of the District’s water supply.

Table WQ-1: Total Retail Water Supply (AFY)

Source	2015	2020	2025	2030	2035	2040	2040 Percentage
Imported Water	56,397	81,197	89,097	100,497	111,597	122,097	61.7%
Groundwater	15,252	12,303	12,303	12,303	12,303	12,303	6.3%
Desalinated Groundwater	7,288	7,000	10,100	10,100	10,100	10,100	5.1%
Recycled Water	44,150	45,245	48,334	50,017	51,800	53,300	26.9%

⁵ As of May 2021, EMWD’s 2020 UWMP has not been adopted.

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ISSUES & SUPPORTING INFORMATION SOURCES:				Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Total Retail Supply	123,087	145,745	159,834	172,917	185,800	197,800	100%
Source: 2015 UWMP							

As detailed in Section 19, *Utilities and Service Systems*, the supply of water listed in Table WQ-1 would be sufficient during both normal years and multiple dry year conditions between 2020 and 2040 to meet all of the City's estimated needs, including the proposed project. Therefore, the project would not result in changes to the projected groundwater pumping that would decrease groundwater supplies. Thus, impacts related to groundwater supplies would be less than significant.

Based on low soil infiltration test results at the project site, onsite bioretention basins are proposed as the preferred method for treating onsite flows. After completion of project construction, the project would convey stormwater drainage into landscaped areas and the two onsite water quality bioretention basins, which would route runoff to a new 24-inch diameter storm drain in Bradshaw Circle that connects to RCFC Storm Drain Line F-4 in Cactus Avenue. The project would result in a net incremental increase of 0.49 cubic feet per second of flow to the storm drain in Cactus Avenue; however, the storm drain would be able to accommodate this increase without impact nor would offsite properties be impacted (Hydrology 2021). Therefore, impacts related to interference with groundwater recharge would be less than significant.

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

i) Result in substantial erosion or siltation on- or off-site?

Response:
Less than Significant Impact.

Construction

Construction of the project would require grading and excavation of soils, which would loosen sediment and could result in erosion or siltation. However, the project site does not include any slopes, which reduces the erosion potential and the large majority of soil disturbance would be related to excavation and backfill for installation of building foundations and underground utilities.

The NPDES Construction General Permit requires preparation and implementation of a SWPPP by a Qualified SWPPP Developer for the proposed construction activities (included as PPP WQ-1). The SWPPP is required to address site-specific conditions related to potential sources of sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alteration of a drainage pattern during construction activities.

In addition, a Qualified SWPPP Practitioner (QSP) is required to ensure compliance with the SWPPP through regular monitoring and visual inspections during construction activities. The SWPPP would be amended and BMPs revised, as determined necessary through field inspections, in order to protect against substantial soil erosion, the loss of topsoil, or alteration of the drainage pattern. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) would prevent construction-related impacts related to potential alteration of a drainage pattern or erosion from development activities. With implementation of the existing construction regulations that would be verified by the City during the permitting approval process, impacts related to alteration of an existing drainage pattern during construction that could result in substantial erosion, siltation, and increases in stormwater runoff would be less than significant.

Operation

After completion of project construction, impervious area would increase on the project site. However, the impervious areas would not be subject to erosion and the pervious areas would be landscaped with groundcovers that would inhibit erosion.

As discussed previously, in the existing condition, site drainage sheet flows across the property to the west towards Bradshaw Circle. A portion of the site's drainage, identified as Area 1, flows southerly to Cactus Avenue where it is collected by a series of catch basins within Cactus Avenue, and is ultimately placed into an offsite storm drain. Onsite

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drainage flows within Area 2 flow offsite towards Bradshaw Circle and Cactus Avenue, where the flows are collected by a series of existing catch basins along Cactus Avenue (Hydrology 2021).

In the developed condition, onsite flows would be conveyed to one of two onsite bioretention basins (Lots A and B), and these basins would connect to a new 24-inch diameter storm drain in Bradshaw Circle which would connect to the existing RCFC Storm Drain Line F-4 in Cactus Avenue. The project would result in a net incremental increase of 0.49 cubic feet per second of flow to the storm drain in Cactus Avenue; however, the storm drain would be able to accommodate this increase without impact nor would offsite properties be impacted. (Hydrology 2021).

Additionally, the MS4 permit requires new development projects to prepare a WQMP (included as PPP WQ-2) that is required to include BMPs to reduce the potential of erosion and/or sedimentation through site design and structural treatment control BMPs. A Preliminary WQMP has been completed and included as Appendix H. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City's Engineering Division to ensure that the site-specific design limits the potential for erosion and siltation. Overall, the proposed drainage system and adherence to the existing regulations would ensure that project impacts related to alteration of a drainage pattern and erosion/siltation from operational activities would be less than significant.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact.
 The project site does not include, and is not adjacent to, a stream or river. Implementation of the project would not alter the course of a stream or river.

Construction
 Construction of the project would require grading and excavation of soils. These activities could temporarily alter the existing drainage pattern of the site and change runoff flow rates. However, as described previously, implementation of the project requires a SWPPP (included as PPP WQ-1) that would address site specific drainage issues related to construction of the project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to potential alteration of a drainage pattern or flooding on or off-site from development activities. Therefore, construction impacts would be less than significant.

Operation
 As described previously, the proposed project would result in an increase of impervious surfaces that would result in an increase of stormflows. The project would maintain the existing drainage pattern and convey runoff to bioretention basins which connect to a new 24-inch diameter storm drain in Bradshaw Circle, which then connects to the existing RCFC Storm Drain Line F-4 in Cactus Avenue. The project would result in a net incremental increase of 0.49 cubic feet per second of flow to the storm drain in Cactus Avenue; however, the storm drain would be able to accommodate this increase without impact nor would offsite properties be impacted. (Hydrology 2021) Moreover, as part of the permitting approval process, the proposed preliminary drainage design and engineering plans would be reviewed by the City's Engineering Division to ensure that the proposed drainage would accommodate the appropriate design flows. Overall, the proposed drainage system and adherence to the existing MS4 permit regulations would ensure that project impacts related to alteration of a drainage pattern or flooding from operational activities would be less than significant.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact.
 As described previously, the project site does not include, and is not adjacent to, a stream or river. Implementation of the project would not alter the course of a stream or river.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Construction

As described in the previous response, construction of the proposed project would require grading and excavation activities that could temporarily alter the existing drainage pattern of the site and could result in increased runoff and polluted runoff if drainage is not properly controlled. However, implementation of the project requires a SWPPP (included as PPP WQ-1) that would address site specific pollutant and drainage issues related to construction of the project and include BMPs to eliminate the potential of polluted runoff and increased runoff during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP (per PPP WQ-1) as verified by the City through the construction permitting process would prevent construction-related impacts related to increases in run-off and pollution from development activities. Therefore, impacts would be less than significant.

Operation

As described previously, the proposed project would result in an increase of impervious surfaces that would generate increased runoff. However, the project would manage the increased flow with bioretention basins that route runoff to a new 24-inch diameter storm drain in Bradshaw Circle which then connects to the existing RCFC Storm Drain Line F-4 on Cactus Avenue. The project would result in a net incremental increase of 0.49 cubic feet per second of flow to the storm drain in Cactus Avenue; however, the storm drain would be able to accommodate this increase without impact nor would offsite properties be impacted. (Hydrology 2021)

Moreover, as part of the permitting approval process, the proposed preliminary drainage design and engineering plans would be reviewed by the City's Engineering Division to ensure that the proposed drainage would accommodate the appropriate design flows. The proposed project would increase the impervious surface area on the project site compared to the existing condition, and the proposed project would convey and treat all potential stormwater runoff from the project site. Therefore, the project would not create or contribute additional runoff water to the downstream storm drain system that would exceed the storm drain system's capacity, and impacts would be less than significant.

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

Less Than Significant Impact. According to the Federal Emergency Management Agency (FEMA) Map 06065C0770G, the project site is designated as zone X, meaning it is in an area of minimal flood hazard (FEMA 2020). As detailed in the previous responses, implementation of the project would result in an increase of impermeable surfaces on the site. The project would maintain the existing drainage pattern, and drainage would be conveyed to onsite bioretention basins that would route runoff to a new 24-inch diameter storm drain in Bradshaw Circle which would connect to the existing RCFC Storm Drain Line F-4 in Cactus Avenue. The project would result in a net incremental increase of 0.49 cubic feet per second of flow to the storm drain in Cactus Avenue; however, the storm drain would be able to accommodate this increase without impact nor would offsite properties be impacted. (Hydrology 2021). Therefore, the project would not result in impeding or redirecting flood flows by the addition of the impervious surfaces. As detailed previously, the City's permitting process would ensure that the drainage system specifications adhere to the existing MS4 permit regulations, and compliance with existing regulations would ensure that impacts would be less than significant.

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

No Impact. According to the Federal Emergency Management Agency (FEMA) Map 06065C0770G, the project site not within a flood zone (FEMA 2020). Thus, the project site is not located within a flood hazard area that could be inundated with flood flows and result in release of pollutants. Impacts related to flood hazards and pollutants would not occur from the project.

Tsunamis are generated ocean wave trains generally caused by tectonic displacement of the sea floor associated with shallow earthquakes, sea floor landslides, rock falls, and exploding volcanic islands. The proposed project is approximately 43 miles from the ocean shoreline. Based on the distance of the project site to the Pacific Ocean, the

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project site is not at risk of inundation from tsunami. Therefore, the proposed project would not risk release of pollutants from inundation from a tsunami. No impact would occur.

Seiching is a phenomenon that occurs when seismic ground shaking induces standing waves (seiches) inside water retention facilities (e.g., reservoirs and lakes). Such waves can cause retention structures to fail and flood downstream properties. The project site is not located adjacent to any water retention facilities. For this reason, the project site is not at risk of inundation from seiche waves. Therefore, the proposed project would not risk release of pollutants from inundation from seiche. No impact would occur.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. As described previously, use of BMPs during construction implemented as part of a SWPPP as required by the NPDES Construction General Permit and PPP WQ-1 would serve to ensure that project impacts related to construction activities resulting in a degradation of water quality would be less than significant. Thus, construction of the project would not conflict or obstruct implementation of a water quality control plan.

Also, as described previously, new development projects are required to implement a WQMP (per PPP WQ-2) that would comply with the Santa Ana RWQCB MS4 Permit regulations. The WQMP and applicable BMPs are verified as part of the City's permitting approval process, and construction plans would be required to demonstrate compliance with these regulations. Therefore, operation of the proposed project would not conflict or obstruct with a water quality control plan.

In addition, as detailed previously, the EMWD manages basin water supply and the anticipated production of groundwater would remain steady from 2025 through 2040 (as shown in Table WQ-1). As described previously and further detailed in Section 19, *Utilities and Service Systems*, the City's supply of water listed in Table WQ-1 would be sufficient during both normal years and multiple dry year conditions between 2020 and 2040 to meet all of the City's estimated needs, including the proposed project. Therefore, the project would be consistent with the groundwater management plan and would not conflict with or obstruct its implementation. Thus, impacts related to water quality control plan or sustainable groundwater management plan would be less than significant.

Existing Plans, Programs, or Policies

PPP WQ-1: Stormwater Pollution Prevention Plan. Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD) in accordance with the City's Municipal Code Chapter 8.10 and the Santa Ana Regional Water Quality Control Board National Pollution Discharge Elimination System (NPDES) Storm Water Permit Order No. R4-2012-0175 (MS4 Permit). The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other NPDES regulations to limit the potential of erosion and 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 the City of Moreno Valley staff or its designee to confirm compliance.

PPP WQ-2: Water Quality Management Plan, Prior to grading permit issuance, the project applicant shall have a Water Quality Management Plan (WQMP) approved by the City for implementation. The project shall comply with the City's Municipal Chapter 8.10 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the Regional Water Quality Control Board (RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the project.

Mitigation Measures

None.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 6 – Safety Element – Section 6.7 – Water Quality
 - Figure 5-4 – Flood Hazards
 - Chapter 7 – Conservation Element – Section 7.5 – Water Resources

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<ul style="list-style-type: none"> - Figure 6-1 Water Purveyor Service Area Map 2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006 <ul style="list-style-type: none"> • Section 5.5 – Hazards and Hazardous Materials <ul style="list-style-type: none"> - Figure 4.5-2 – Floodplains and High Fire Hazard Areas • Section 5.7 – Hydrology and Water Quality <ul style="list-style-type: none"> - Figure 4.7-1 – Storm Water Flows and Major Drainage Facilities - Figure 4.7-2 – Groundwater Basins 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code <ul style="list-style-type: none"> • Section 9.10.080 – Liquid and Solid Waste 4. Moreno Valley Municipal Code Chapter 8.12 – Flood Damage Prevention 5. Moreno Valley Municipal Code Chapter 8.21 – Grading Regulations 6. Eastern Municipal Water District (EMWD) Groundwater Reliability Plus, http://gwrplus.org/ 7. Eastern Municipal Water District (EMWD) 2015 Urban Water Management Plan 8. Preliminary Hydrology Report. April 15, 2020; Revised May 21, 2021. Prepared by Robert M. Beers (Appendix G). 9. Project Specific Water Quality Management Plan. June 2020. Prepared by Adkan Engineers (Appendix H). 10. FEMA Flood Map Service Center. 2021. Available at: https://msc.fema.gov/portal/search (Accessed May 26, 2021). 				

XI. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. The project site is currently vacant and is surrounded by a roadway to the south followed by single-family residences; single-family residences to the north; vacant land to the east; and single-family residences and commercial uses to the west. The proposed project would redevelop the site to provide 37 single-family residential units, which are consistent with the existing single-family residences to the north, west, and south of the site. Therefore, the change of the project site from a vacant site to single-family residential would not physically divide an established community. In addition, the project would not change roadways or install any infrastructure that would result in a physical division. Thus, the proposed project would not result in impacts related to physical division of an established community.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. As described previously, the project site is currently vacant. The project would redevelop the project site to provide 37 new single-family residences, which would be similar to the single-family residential uses that are located adjacent to the west of the site, to the south of the site beyond Cactus Avenue, and to the north of the site.

General Plan
 The project site currently has a General Plan land use designation of has a land use designation of Residential: Max. 5 du/ac (R5), which does not have the purpose of avoiding or mitigating an environmental effect. The proposed project includes a General Plan Amendment to change the land use designation of the site to Low Residential: Max. 10 du/ac (R10), which would allow the proposed single-family residences at a density of 10 units per gross acre. The General Plan Land Use Element states that the Residential: Max. 10 du/ac (R10) designation allows for allows for development of residential uses to a maximum density of 10 dwelling units per acre. As the project would develop residences at a density of 7.9 units per gross acre, it would be consistent with the proposed land use designation, and the proposed change in land use would be less than significant.

Zoning

Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project site is currently zoned Residential 5 District (R5). The primary purpose of the R5 district is to provide for residential development on common sized suburban lots. This district is intended as an area for development of single-family residential and mobile home subdivisions at a maximum allowable density of five DUs per net acre, as indicated in Section 9.03.020 of the Municipal Code. implement the proposed single-family residential uses. As described previously, the project would develop single-family residences at a density of 7.9 units per gross acre and would require a zone change to Residential Single-Family 10 (RS10) District. In addition, the project is requesting approval of a Conditional Use Permit (CUP) for a Planned Unit Development (PUD), which allows for a development to establish unique criteria for such things as setbacks, lot width and depth, building separation, lot size, etc. This is allowed in exchange for a higher level of detail and amenities within the project than typically required for standard residential development. Thus, the proposed project would not conflict with any applicable zoning regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Existing Plans, Programs, or Policies

None.

Mitigation Measures

None.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 2 – Community Development Element – Section 2.1 – Land Use
 - Figure 1-1 – Neighboring Lands Uses
 - Figure 1-2 – Land Use Map
 - Chapter 8 – 2014 – 2021 Housing Element
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.12 – Population and Housing
 - Attachments #1 - #10 – Housing Sites Inventory
 - Exhibits A1 – A11, C, D, and E – Maps of Housing Sites
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code

XII. MINERAL RESOURCES – Would the project:

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

No Impact. The project site is located in Mineral Resource Zone 3 (MRZ-3), according to the Mineral Land Classification Map provided by the California Department of Conservation. The MRZ-3 zone within the Significant Mineral Aggregate Resource Area (SMARA) Study Area is defined as areas containing mineral deposits which the significance cannot be evaluated from available data.

The City’s General Plan EIR states that no locally, regionally, or statewide significant mineral resources are located within the City. Therefore, development of the site would not result in the loss of availability of a known mineral resource that would be of value to the region, and impacts would not occur.

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

No Impact. As described in the previous response, the City’s General Plan EIR states that no locally, regionally, or statewide significant mineral resources are located within the City. Therefore, implementation of the project would not result in the loss of locally important mineral resources, and impacts would not occur.

Existing Plans, Programs, or Policies

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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None.

Mitigation Measures

None.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 7 – Conservation Element – Section 7.9 – Mineral Resources
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.14 – Mineral Resources
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
 - Section 9.02.120 – Surface Mining Permits
4. Moreno Valley Municipal Code Section 8.21.020 A 7 – Permits Required
5. The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796), <https://www.conservation.ca.gov/dmr/lawsandregulations>
6. California Department of Conservation. 2020. Mineral Land Classification. Accessed: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc> (Accessed May 26, 2021).

XIII. NOISE – Would the project result in:

City of Moreno Valley Municipal Code

Sound level limits: Chapter 11.80.03 of the City’s Municipal Code establishes maximum noise levels permitted within the city, which are listed in Table N-1:

Table N-1: City of Moreno Valley Maximum Continuous Sound Levels

Duration per Day (Continuous Hours)	Sound Level [dBA]
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
.5	110
.25	115

Source: City of Moreno Valley Municipal Code

Sensitive Receptor Noise Levels: Chapter 11.80.30 of the City’s Municipal Code establishes the permissible noise level that may be received at nearby sensitive uses (e.g., residential). For noise-sensitive residential properties 200 feet from the source, the exterior noise level shall not exceed 60 dBA during daytime hours (8:00 a.m. to 10:00 p.m.) and shall not exceed 55 dBA during the nighttime hours (10:01 p.m. to 7:59 a.m.) (Municipal Code, Chapter 11.80).

Construction Noise: Section 8.14.082.E of the City’s Municipal Code also provides construction noise standards, which state that Any construction within the city shall only be completed between the hour of seven a.m. to eight p.m. Monday through Friday, excluding holidays, unless written approval is obtained from the city building official or city engineer.

Sensitive Receptors

The nearest existing sensitive receptors to the project site are the single-family homes located approximately 20 feet north of the project site. There are also single-family homes located approximately 75 feet to the west of the project site.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The nearest school to the project site is Ridge Crest Elementary School, which is located approximately 0.3 miles southeast of the project site.

Existing Ambient Noise Levels

To identify the existing ambient noise levels in the project area, noise level measurements were taken on and adjacent to the project site on March 20, 2020. As shown on Table N-2, the average noise levels in the project area range from 58.8 dBA to 88.8 dBA. Table N-2 also shows that the both the daytime and nighttime noise levels at the nearby sensitive receptors currently exceeds the City’s residential noise standards of 60 dBA Leq during the daytime and 55 dBA Leq during the nighttime.

Table N-2: Existing Ambient Noise Level Measurements

Site No.	Site Description	Average (dBA Leq)		1-hr Average (dBA Leq/Time)		Average (dBA CNEL)
		Daytime	Nighttime	Minimum	Maximum	
A	Located on a fence near the southwest corner of the project site, approximately 70 feet north of the Cactus Avenue centerline.	58.8	81.7	47.0 3:02 a.m.	62.2 3:55 p.m.	62.4
B	Located on a fence near the southeast corner of the project site, approximately 50 feet north of the Cactus Avenue centerline.	62.3	88.8	47.8 3:37 a.m.	66.8 3:54 p.m.	64.9

Source: NOI 2020

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

Less Than Significant Impact.

Construction

The construction activities for the proposed project are anticipated to include site preparation and grading of the project site, construction of the 37 single-family residences, paving of the onsite driveways and parking areas, and application of architectural coatings. Noise impacts from construction activities associated with the proposed project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. The nearest sensitive receptors to the project site are the single-family residences located approximately 20 feet north of the project site.

Table N-3 shows that the highest noise from construction would occur during the site preparation and grading phases when noise levels are anticipated to reach 80 dBA Leq at the nearest sensitive receptors (residences), which is below the City’s 8-hour noise threshold of 90 dBA (Municipal Code Chapter 11.80.03). In addition, the project would comply with the allowable construction times pursuant to the City’s Municipal Code, the construction-related noise levels would not exceed any standards. Therefore, construction noise impacts would be less than significant.

Table N-3: Construction Noise Levels at the Nearest Sensitive Receptor

Construction Phase	Construction Noise Level (dBA Leq) at:
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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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	Nearest Homes to the North ¹	Nearest Homes to the West ²	Nearest Homes to the South ³
Site Preparation	81	77	71
Grading	81	78	71
Building Construction	74	75	68
Paving	69	76	65
Painting	71	69	60
City's Noise Threshold⁴	90	90	90
Exceed Thresholds?	No	No	No

¹ The nearest home is located as near as 20 feet north of the project site. In order to account for the existing 6-foot high wall on the north property line, 5 dB of shielding was added to the RCNM Model.

² The nearest home is located as near as 75 feet west of the project site.

³ The nearest home is located as near as 100 feet south of the project site. In order to account for the existing sound wall on the south side of Cactus Avenue, 5 dB of shielding was added to the RCNM Model.

⁴ City Noise Threshold obtained from Section 11.80.030(B) of the Municipal Code.

Source: NOI 2020

Operation

Development of the proposed project would generate approximately 28 trips during the a.m. peak hour, 38 trips during the p.m. peak hour, for a total of 359 daily trips.⁶ The noise generated from these vehicular trips has been identified through a comparison of noise generated by traffic volumes with and without the project, provided in Table N-3.

Table N-4: Project Traffic Noise Contributions

Roadway	Segment	dBA CNEL at Nearest Receptor ¹			Increase Threshold ²
		Existing	Existing Plus Project	Project Contribution	
Cactus Avenue	East of Moreno Beach Drive	61.7	62.1	0.4	+2 dBA

Source: NOI 2020

Objective 6.5 of the City's General Plan Noise Element requires the City to minimize noise impacts from significant noise generators including roadway noise impacts. However, neither the General Plan nor the CEQA Guidelines define what constitutes a "substantial permanent increase to ambient noise levels." Therefore, thresholds from the FTA *Transit Noise and Vibration Impact Assessment* (2018) have been utilized, which identifies noise impacts by comparing the existing noise levels and the future noise levels with the proposed project. Based on the FTA guidance, a substantial increase in ambient noise from vehicular traffic could occur when the noise levels at noise-sensitive land uses (e.g. residential, etc.) are less than 60 dBA CNEL and the project creates an increase of 3 dBA CNEL or greater noise level increase; or when noise levels range from 60 to 65 dBA CNEL and the project creates 2 dBA CNEL or greater noise level increase.

As shown in Table N-4 above, the project traffic would result in a maximum increase of 0.4 dBA, which is below the noise increase thresholds. Therefore, impacts related to operational noise would be less than significant.

Roadway Noise to Interior of Proposed Homes

The exterior noise level at the façade of the first and second floors were calculated based on using the Federal Highway Administration's Traffic Noise Prediction Model. As shown on Table N-5, with a "windows open" condition where the proposed homes to not have HVAC to provide cooling, the interior noise levels of the lots fronting Cactus Avenue would be above the City's dBA CNEL residential interior noise standard.

⁶ It should be noted the traffic and noise analyses analyzed 38 dwelling units based on an earlier iteration of the project's site plan. As the project proposes 37 dwelling units, the project-generated trip generation calculated in the traffic analysis, which are incorporated into the noise analysis are therefore highly conservative as well as the calculated operational noise results of noise analysis.

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Table N-5: Proposed Homes Interior Noise Levels from Cactus Avenue

Lot Number	Roadway	Floor	Exterior Noise Level at Building Façade (dBA CNEL)	Interior Noise Levels (dBA CNEL)	
				Windows Open Unmitigated ¹	Windows Closed Mitigated ²
1	Cactus Avenue	1	60	48	35
		2	68	56	43
3	Cactus Avenue	1	61	49	36
		2	68	56	43
5	Cactus Avenue	1	60	48	35
		2	68	56	43

Notes:

¹ Unmitigated Interior noise levels based on 12 dBA of noise reduction.

² Mitigated Interior noise levels based on 25 dBA of noise reduction with implementation of Mitigation Measure 1.

FHWA RD-77-108 Model.

Source: NOI 2020

As such, Mitigation Measure NOI-1 is included to require installation of forced air conditioning and heating to achieve a “windows closed” condition. As shown in Table N-5, with implementation of MM NOI-1, interior noise levels would be below the City’s interior noise standard. Therefore, with implementation of Mitigation Measure NOI-1, impacts related to operational noise would be less than significant.

b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:

Less Than Significant Impact.

Construction

Construction activities associated with the proposed project would require the operation of off-road equipment and trucks that are known sources of vibration. Construction activity can result in varying degrees of ground vibration, depending on the equipment used on the site. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Vibrations at buildings could produce results that range from no perceptible effects at the low levels to damage at the highest levels. It should be noted that vibration is much more discernible in a sitting or laying down position, which typically only occur inside a home. As such, this analysis is based on the vibration levels at the nearest homes, instead of the nearest residential property lines.

Chapter 9.10 of the Municipal Code includes performance standards for proposed development projects that may impact the surrounding neighborhood and Section 9.10.030(B), which is part of this Chapter, exempts temporary construction activities from Section 9.10.170 that restricts the creation of vibration that can be felt at the property line, provided that construction activities occur between the hours of 7 a.m. and 7 p.m.. Since the City’s Municipal does not provide a quantifiable vibration level for construction activities, Caltrans guidance has been utilized, which defines the threshold of perception from transient sources at 0.25 inch per second PPV. Table N-6 shows the typical PPV and average vibration levels shown in vibration velocity in decibels (VdB) that are produced from some common construction equipment that would likely be utilized during construction of the proposed project (NOI 2020).

Table N-5: Typical Vibration Source Levels for Construction Equipment

Equipment	Peak Particle Velocity (inches/second)	Approximate Vibration Level (L _v) at 25 feet
Pile driver (impact)	1.518 (upper range)	112
	0.644 (typical)	104
Pile driver (sonic)	0.734 (upper range)	105
	0.170 (typical)	93
Clam shovel drop (slurry wall)	0.202	94

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ISSUES & SUPPORTING INFORMATION SOURCES:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Vibratory Roller	0.210		94		
Hoe Ram	0.089		87		
Large bulldozer	0.089		87		
Caisson drill	0.089		87		
Loaded trucks	0.076		86		
Jackhammer	0.035		79		
Small bulldozer	0.003		58		

Source: NOI 2020

From the list of equipment shown in Table N-6, the primary source of vibration during construction would be from the operation of a bulldozer. A large bulldozer would create a vibration level of 87 VdB, which is equivalent to 0.089 inch per second rms at 25 feet. Based on typical propagation rates, the vibration level at the nearest homes (20 feet away from proposed construction activities) would be approximately 0.11 inch per second rms. The vibration level at the nearest offsite home is within the 0.25 inch per second PPV threshold detailed above. Therefore, vibration impacts would be less than significant from construction of the proposed project.

Operation

Operation of the proposed single-family uses would include heavy trucks for residents moving in and out of the residences, large deliveries, and garbage trucks for solid waste disposal. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. However, typical vibration levels for the heavy truck activity at normal traffic speeds would be approximately 0.006 in/sec PPV, based on the FTA Transit Noise Impact and Vibration Assessment. Truck movements on site would be travelling at very low speed, so it is expected that truck vibration at nearby sensitive receivers would be less than the vibration threshold of 0.08 in/sec PPV for fragile historic buildings and 0.04 in/sec PPV for human annoyance, and therefore, would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. The proposed project would not expose people residing or working in the project area to excessive noise levels from aircraft. The nearest airport is March Air Reserve Base that is located approximately 5.2 miles west of the project site. The project site is located outside of the 60 dBA CNEL noise contours of the March Air Reserve Base (RCALUC). Thus, impacts would be less than significant.

Existing Plans, Programs, or Policies

None.

Mitigation Measures

None.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 6 – Safety Element – Section 6.4 – Noise
 - Figure 5-2 – Buildout Noise Contours
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.4 – Noise
 - Figure 4.4-1 – March Air Reserve Base Noise Impact Area
 - Figure 4.4-2 – Buildout Noise Contours – Alternative 1
 - Figure 4.4-3 -- Buildout Noise Contours – Alternative 2
 - Figure 4.4-4 -- Buildout Noise Contours – Alternative 3
 - Appendix D – Noise Analysis, Wieland Associates, Inc., June 2003.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
 - Section 9.10.140 Noise and Sound
4. Moreno Valley Municipal Code Chapter 11.80 Noise Regulations
5. March Air Reserve Base (MARB)/March Inland Port (MIP) Airport Land Use Compatibility Plan (ALUCP) on November 13, 2014, (<http://www.rcaluc.org/Portals/13/17%20-%20Vol.%201%20March%20Air%20Reserve%20Base%20Final.pdf?ver=2016-08-15-145812-700>)
6. Noise Impact Analysis, Tentative Tract Map No. 37858, City of Moreno Valley. December 31, 2020. Prepared by Vista Environmental (Appendix I).

XIV. POPULATION AND HOUSING – Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. The project would construct 37 single-family residences on the project site. According to data from the California Department of Finance (CDF) published in May 2021, the City of Moreno Valley has a residential population of 209,426 persons and 57,725. Of these, 46,551 (approximately 81 percent) are single-family detached units. In addition, it is estimated that the City has an average of 3.86 persons per household.

Based on this information, the proposed project would result in a net increase of approximately 143 new residents. Therefore, the project would represent a population increase of approximately 0.07 percent and a 0.06 percent increase in residential units within the City. This limited level of growth on a site that has been previously developed would not constitute substantial growth.

The proposed project is located in an urbanized residential area of the City and is surrounded by residential and commercial uses and is already served by the existing roadways and infrastructure systems. No infrastructure would be extended or constructed to serve areas beyond the project site, which could reduce further population growth, and indirect impacts related to growth would not occur from implementation of the proposed project. Therefore, potential impacts related to inducement of unplanned population growth, either directly or indirectly, would be less than significant.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. As described above, the project site is vacant and undeveloped land and does not contain any housing or people on the project site. The proposed project would construct 37 new single-family residences and would not displace any existing housing or people and would not necessitate the construction of housing elsewhere. Thus, impacts would not occur.

Existing Plans, Programs, or Policies

None.

Mitigation Measures

None.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 2 – Community Development Element – Section 2.1 – Land Use
 - Figure 1-1 – Neighboring Lands Uses
 - Figure 1-2 – Land Use Map
 - Chapter 8 – 2014 – 2021 Housing Element
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.12 – Population and Housing
 - Attachments #1 - #10 – Housing Sites Inventory

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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<ul style="list-style-type: none"> - Exhibits A1 – A11, C, D, and E – Maps of Housing Sites 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code 4. California Department of Finance. May 2021. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark. Accessed: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/ (Accessed May 26, 2021). 				
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XV. PUBLIC SERVICES – Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
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i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. The City of Moreno Valley Fire Department provides fire protection to the project area. The City’s Fire Department is the primary response agency to fires, emergency medical service, hazardous materials incidents, traffic accidents, terrorist acts, catastrophic weather events, and technical rescues. Additionally, the City’s Office of Emergency Management is located within the Fire Department allowing for a well-coordinated response to both natural and man-made disasters. The Moreno Valley Fire Department (MVFD) is part of the CAL FIRE/Riverside County Fire Department’s regional, integrated, cooperative fire protection organization, which provides access to other regional fire and emergency equipment and/or services, as needed.

There are two existing fire stations within two miles of the project site. Fire Station 58 is located 2.4 miles from the project site at 28040 Eucalyptus Avenue. This fire station is a three-bay facility that can house two engine companies, a truck company, and additional resources as needed. This fire station currently houses one paramedic engine company and a type 3 fire engine. Fire Station 99 is 2.8 miles from the project site at 13400 Morrison Street. This fire station is a two-bay facility that houses one paramedic engine company (MVFD 2020).

The proposed project could potentially increase the demand for MVFD services due to the construction of the new residential units. As discussed in previously, the project would generate approximately 143 new residents.

The project would develop 37 single-family residences in an area already served by the City’s Fire Department and within close proximity to two existing fire stations. The project would be adequately served by the two fire stations that currently serve the project area. Additionally, the project would be required to adhere to the California Fire Code (included in the City’s Municipal Code Chapters 8.36) and would be reviewed by the Fire Department during the project permitting process to ensure that the project plans meet the fire protection requirements. Therefore, impacts would be less than significant. Additionally, the Developer would be required to pay development fees (including permit and inspection fees) that would be applied to the City’s public services including fire protection services.

ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. The City of Moreno Valley receives policing services through a contract for services with the Riverside County Sheriff’s Office. The City’s police station is located at 22850 Calle San Juan De Los Lagos, which is approximately 5.7 miles from the project site. Because the project site is currently vacant and undeveloped, implementation of the project would result in an onsite population that would create the need for police services. Calls for police service during project construction may include: theft of building materials and construction equipment, malicious mischief, graffiti, and vandalism. Operation of the project could generate a typical range of police service calls, such as burglaries, thefts, and disturbances. To reduce the potential for these types of crimes, security concerns are addressed in the project design by providing low-intensity security lighting for the purposes of wayfinding, safety, and building structure security.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Although an incremental increase could result from implementation of the project, the need for law enforcement services from the proposed project would be limited and within an area that is currently served. Thus, the need for policing services generated by the project would not require the construction or expansion of police department facilities. Therefore, impacts would be less than significant. Additionally, the Developer would be required to pay development fees (including permit and inspection fees) that would be applied to the City’s public services including police protection services.

iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. The project site is located within the Moreno Valley Unified School District, which operates and maintains 43 schools, including 23 elementary schools (K-5), 6 middle schools (7-8), 5 high schools (9-12), and 9 specialized schools. The site is currently located within the attendance area boundaries of Ridgecrest Elementary School, Mountain View Middle School, and Valley View High School.

The project would develop 37 single-family residences. The Moreno Valley Unified School District’s April 2020 Developer Fee Justification Report indicates that there are over 53,581 residential dwelling units existing within the District. It is anticipated that a total of 13,156 additional units will be constructed by 2040. Based on the District’s Student Generation Rate of 0.6041, this will generate over 7,947 additional K-12 students during that period (MVUSD 2020). With the Student Generation Rate of 0.6041, the project will generate approximately 23 additional K-12 students upon implementation.

Pursuant to Government Code Section 65995 et seq., the need for additional school facilities is addressed through compliance with school impact fee assessment. SB 50 (Chapter 407 of Statutes of 1998) sets forth a state school facilities construction program that includes restrictions on a local jurisdiction’s ability to condition a project on mitigation of a project’s impacts on school facilities in excess of fees set forth in the Government Code. These fees are collected by school districts at the time of issuance of building permits for development projects. Pursuant to Government Code Section 65995 applicants shall pay developer fees (included as PPP PS-1) to the appropriate school districts at the time building permits are issued; and payment of the adopted fees provides full and complete mitigation of school impacts. As a result, impacts related to school facilities would be less than significant with the Government Code required fee payments.

iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. Based on Map 3.1, Existing Parks and Community Facilities, in the City of Moreno Valley Parks, Recreation and Open Space Comprehensive Plan, the City operates and maintains six parks within the project’s vicinity: Rock Ridge Park, approximately 2.9 miles to the northwest; Morrison Park, approximately 2.9 miles to the northwest; Ridgecrest Park, approximately 1.6 miles to the southeast; Weston Park, approximately 3.6 miles to the northwest; the Moreno Valley Community Park, approximately 6.4 miles to the west; and Celebration Park, approximately 1.2 miles to the southwest.

The project includes the construction of 37 single-family residences, including 11,443 SF at the recreation – open space lot, which would provide park facilities for the new residents. In addition, Section 3.38.080 and Chapter 3.40 of the City’s Municipal Code include requirements for mitigation fees in favor of park improvements and/or parkland dedication; where applicable, these fees would be included as a condition of the approval of the residential development (included as PPP PS-2). These fees would be used in the City of the purpose of acquiring, designing, constructing, improving, providing and maintaining, to the extent permitted by law, park improvements provided for in the City’s General Plan and its adopted capital improvement program or an adopted master plan of parks and recreation facilities, as amended from time to time. Therefore, as the project would provide sufficient onsite open space for its residents, impacts related to the need to provide new or altered park and recreation facilities in order to maintain acceptable service ratios would be less than significant. Additionally, the developer would be required to pay park fees described above.

v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. The proposed project would develop 37 single-family residential units within an area that already contains single-family residential. The additional residences would result in a limited incremental increase in the need for additional services, such as public libraries and post offices, etc. Because the project area is already served by

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other services and the project would result in a limited increase in residences, the project would not result in the need for new or physically altered facilities to provide other services, the construction of which could cause significant environmental impacts. Therefore, impacts would be less than significant.

Existing Plans, Programs, or Policies

PPP PS-1: The project will be required to pay applicable development fees levied by the Moreno Valley Unified School District pursuant to the School Facilities Act (Senate Bill [SB] 50, Stats. 1998, c.827) to offset any effects on school facilities resulting from new development.

PPP PS-2: Park Fees. As a condition of the approval of a residential development, the project shall pay applicable park related fees and/or dedicate parkland pursuant to Municipal Code Section 3.38.080 and Chapter 3.40.

Mitigation Measures

None.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 2 – Community Development Element – Section 2.5 – Schools
 - Figure 1-3 – School District Boundaries
 - Chapter 2 – Community Development Element – Section 2.6 – Library Services
 - Chapter 2 – Community Development Element – Section 2.7 – Special Districts
 - Chapter 2 – Community Development Element – Section 2.5 – Other City Facilities
 - Chapter 4 – Parks, Recreation and Open Space Element – Section 4.3 – Parks and Recreation
 - Figure 3-2 – Future Parklands Acquisition Areas
 - Figure 3-3 – Master Plan of Trails
 - Chapter 6 – Safety Element – Section 6.1 – Police Protection and Crime Preventions
 - Chapter 6 – Safety Element – Section 6.2 – Fire and Emergency Services
 - Figure 5-1 – Fire Stations
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.13 – Public Services
 - Figure 4.13-1 – Location of Public Facilities
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. City of Moreno Valley Fire Department Website. Accessed: http://www.moreno-valley.ca.us/city_hall/departments/fire/index-fire.shtml (Accessed May 11, 2020).
5. City of Moreno Valley Police Department Website. Accessed: http://www.moreno-valley.ca.us/city_hall/departments/police/index-police.shtml (Accessed May 11, 2020).
6. City of Moreno Valley Parks, Recreational, and Open Spaces Comprehensive Master Plan. Accessed:
7. http://www.ci.moreno-valley.ca.us/resident_services/park_rec/pdfs/park-mp0910.pdf (Accessed May 11, 2020).
8. Moreno Valley Unified School District Fee Justification Report for New Residential and Commercial/Industrial Development. 2020.

XVI. RECREATION – Would the project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:

Less Than Significant Impact. As described previously project would develop 37 single-family residences. As discussed previously, residential developments are subject to Section 3.38.080 and Chapter 3.40 of the City’s Municipal Code, which include requirements for mitigation fees in favor of park improvements and/or parkland dedication; where applicable, these fees would be included as a condition of the approval of the residential development (included as PPP PS-2). These fees would be used in the City of the purpose of acquiring, designing, constructing, improving, providing and maintaining, to the extent permitted by law, park improvements provided for in the City’s General Plan and its adopted

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capital improvement program or an adopted master plan of parks and recreation facilities, as amended from time to time. Therefore, as the project would provide sufficient onsite open space for its residents, impacts related to the increase the use of existing parks and recreational facilities, such that physical deterioration of the facility would be accelerated would be less than significant. Additionally, the developer would be required to pay park fees described above.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. As described above, while the project would contribute park development fees pursuant to Municipal Code 3.38.080 (included as PPP PS-2) to be used towards the future expansion or maintenance parks and recreational facilities, these fees are standard with every residential development, and the proposed project would not require the construction or expansion of other recreational facilities that might have an adverse physical effect on the environment. The project includes 11,443 SF of recreation – open space for residents and the impact of this recreational feature is included as part of the overall project analysis contained in this Initial Study. Therefore, impacts specific to recreation would be less than significant. Additionally, the developer would be required to pay park fees described above.

Existing Plans, Programs, or Policies
PPP PS-2: Park Fees, provided in Section 15, *Public Services*.

Mitigation Measures
 None.

- Sources:**
1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 4 – Parks, Recreation and Open Space Element – Section 4.3 – Parks and Recreation
 - Figure 3-1 Open Space
 - Figure 3-2 – Future Parklands Acquisition Areas
 - Figure 3-3 – Master Plan of Trails
 2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.13 – Public Services
 - Figure 4.13-1 – Location of Public Facilities
 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code

XVII. TRANSPORTATION – Would the project:				
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a) Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact.
Construction
 Construction activities associated with the project would generate vehicular trips from construction workers traveling to and from project site, delivery of construction supplies and import materials to, and export of debris from, the project site. However, these activities would only occur for a period of 12 months. The increase of trips during construction activities would be limited and are not anticipated to exceed the number of operational trips described below. The short-term vehicle trips from construction of the project would generate less than significant traffic related impacts.

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Operation

As shown in Table T-1 below, the proposed project would generate approximately 30 trips during the a.m. peak hour, 40 trips during the p.m. peak hour, and a total of 378 daily trips.⁷⁸

Table T-1: Project Trip Generation

Land Use	Units	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Trip Rates								
Single-Family Detached Housing ¹	DU	9.440	0.185	0.555	0.740	0.624	0.366	0.990
Project Trip Generation								
Detached Single Family	38 DU ^a	359	7	21	28	24	14	38

Notes:

^a As noted, the traffic analysis analyzed 38 dwelling units, which results in a more conservative analysis as the project proposes 37 dwelling units.

DU = Dwelling Units

¹ Trip rates from the Institute of Transportation Engineers, Trip Generation, 10th Edition, 2017. Land Use Code 210 - Single-Family Detached Housing.

² Trip rates from the Institute of Transportation Engineers, Trip Generation, 10th Edition, 2017. Land Use Code 220 - Multifamily Housing (Low-Rise).

Source: EPD 2020 (Appendix J)

According to Exhibit A of the City of Moreno Valley Traffic Impact Analysis Preparation Guide, projects that generate fewer than 100 vehicle trips during the peak hours are generally exempt from the requirement to prepare a traffic impact analysis. Operation of the project would not generate over 100 AM or PM peak hour trips. Therefore, the project would not result in a conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, and impacts would be less than significant.

The project area is currently served by the Riverside Transit Authority (RTA). The RTA provides both local and regional services throughout the region with 38 fixed routes, 9 commuter link routes, and Dial-A-Ride services. The existing RTA bus stop for Route 20, located approximately 0.3 miles from the project site on Moreno Beach Drive, is the closest existing route to the project. Operation of the project would not affect the operation of the bus route. Thus, no impacts would occur. In addition, both sidewalks and bicycle lanes are located adjacent to the project site on Cactus Avenue. The proposed project would not alter any of the existing bicycle or sidewalk facilities. Thus, impacts related to bicycle or pedestrian circulation would not occur from implementation of the project.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:

Less than Significant Impact. Section 15064.3 of the State CEQA Guidelines codifies that project related transportation impacts are typically best measured by evaluating the project’s vehicle miles travelled (VMT). Specifically, subdivision (b) focuses on specific criteria related to transportation analysis and is divided into four subdivisions: (1) land use projects, (2) transportation projects, (3), qualitative analysis, and (4) methodology. Subdivision (b)(1) provides guidance on

⁷ It should be noted the traffic analysis analyzed 38 dwelling units based on an earlier iteration of the project’s site plan. As the project proposes 37 dwelling units, the project’s trip generation and impacts calculated in the traffic analysis are therefore highly conservative.

⁸ It should be noted that the trip generation was modeled using trip rates from the ITE, Trip Generation Manual, 10th Edition. A trip generation was run using trip rates from ITE, Trip Generation Manual, 11th Edition, which found that utilizing the 10th Edition results in more trips. Therefore, the project’s trip generation provides a conservative analysis.

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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determining the significance of transportation impacts of land use projects using VMT; projects located within 0.5 mile of transit should be considered to have a less than significant impact. Subdivision (b)(2) addresses VMT associated with transportation projects and states that projects that reduce VMT, such as pedestrian, bicycle, and transit projects, should be presumed to have a less than significant impact. Subdivision (b)(3) acknowledges that Lead Agencies may not be able to quantitatively estimate VMT for every project type; in these cases, a qualitative analysis may be used. Subdivision (b)(4) stipulates that Lead Agencies have the discretion to formulate a methodology that would appropriately analyze a project's VMT.

The City of Moreno Valley has prepared updated *Traffic Impact Analysis Guidelines* (Guidelines) for Land Use Projects in June 2020 to address changes to CEQA pursuant to SB-743 to include VMT analysis methodology and thresholds. The Moreno Valley *Traffic Impact Analysis Guidelines* provide several screening thresholds for determining if a VMT analysis is required. A project VMT analysis would not be required if a project is located in a Transit Priority Area (TPA) or a low VMT area, or if the project is a local serving retail project or other neighborhood use, including projects that generate fewer than 400 daily trips, which corresponds to a typical development of 42 single family housing units. As shown on Table T-1, the project proposes less than the 42 dwelling units discussed in the guidelines and generates 359 daily vehicle trips, fewer than the 400 daily vehicle trips threshold. Therefore, based on the Moreno Valley Traffic Impact Analysis Guidelines, the project would be presumed to have a less than significant impact on VMT.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact. The project includes development of single-family residences. The project includes community type uses and does not include any incompatible uses, such as farm equipment. The proposed project area would be accessed from Bradshaw Circle, as well as through the onsite streets to each residence.

The project would also not increase any hazards related to a design feature. All of the onsite streets would be developed in conformance with City design standards. The City's construction permitting process includes review of project plans to ensure that no potentially hazardous transportation design features would be introduced by the project. For example, the design of the project streets would be reviewed to ensure fire engine accessibility and turn around area is provided to the fire code standards. As a result, impacts related to vehicular circulation design features would be less than significant.

d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less than Significant Impact.
Construction
 The proposed construction activities, including equipment and supply staging and storage, would occur within and adjacent to the project area on Bradshaw Circle, and would not restrict access of emergency vehicles to the project site or adjacent areas. The installation of driveways and connections to existing infrastructure systems that would be implemented during construction of the proposed project could require the temporary closure of Bradshaw Circle and Cactus Avenue. Traffic detours are not expected to be necessary. In addition, the construction activities would be required to ensure emergency access in accordance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), which would be ensured through the City's permitting process. Thus, implementation of the project through the City's permitting process would ensure existing regulations are adhered to and would reduce potential construction related emergency access impacts to a less than significant level.

Operation
 As described previously, the proposed project area would be accessed from Bradshaw Circle, as well as through the onsite streets to each residence. Permitting of these roadways would provide adequate and safe circulation to, from, and through the project area and would provide two routes for emergency responders to access different portions of the project area. Because the project is required to comply with all applicable City codes, as verified by the City, potential impacts related to inadequate emergency access would be less than significant.

Existing Plans, Programs or Policies

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None.

Mitigation Measures

None.

Sources:

1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 5 Circulation Element
 - Figure 8-1 – Circulation Plan
 - Figure 8-2 – LOS Standards
 - Figure 8-3 – Roadway Cross-Sections
 - Figure 8-4 – Bikeway Plan
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.2 – Traffic/Circulation
 - Figure 4.2-1 – Circulation Plan
 - Figure 4.2-2 – General Plan Roadway Cross-Sections
 - Figure 4.2-3 – Year 2000 Number of Through Lanes
 - Figure 4.2-4 – Year 2000 Daily Volume/Capacity (V/C) Ratios
 - Figure 4.2-5 – Year 2000 Average Daily Traffic Volumes
 - Figure 4.2-6 – Proposed Circulation Plan
 - Figure 4.2-7 – LOS Standards
 - Appendix B – Traffic Analysis, City of Moreno Valley General Plan Traffic Study, Urban Crossroads, June 2004.
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
4. Moreno Valley Municipal Code Chapter 3.18 Special Gas Tax Street Improvement Fund
5. Moreno Valley Master Bike Plan, adopted January 2015
6. Riverside County Transportation Commission, Congestion Management Program, December 14, 2011
7. City of Moreno Valley Transportation Engineering Division, Traffic Impact Analysis Preparation Guide. 2007.
8. Trip Generation and VMT Screening Analysis for Cactus and Bradshaw Circle Residential Project. December 30, 2020. Prepared by EPD Solutions, Inc. (Appendix I).

XVIII. TRIBAL CULTURAL RESOURCES – Would the project:

AB 52 and SB 18 Requirements

The project would be required to comply with AB 52 and SB 18 regarding tribal consultation. Chapter 532, Statutes of 2014 (i.e., AB 52), requires that Lead Agencies evaluate a project’s potential to impact “tribal cultural resources.” Such resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register or included in a local register of historical resources (PRC Section 21074). AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource falling outside the definition stated above nonetheless qualifies as a “tribal cultural resource.”

SB 18 requires cities and counties acting as Lead Agency to contact and consult with California Native American tribes before adopting or amending a General Plan. The intent of SB 18 is to establish meaningful consultation between tribal governments and local governments at the earliest possible point in the planning process and to enable tribes to manage “cultural places.” Cultural places are defined as a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9), or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register, including any historic or prehistoric ruins, any burial ground, or any archaeological or historic site (PRC Section 5097.993).

In compliance with these requirements, the City sent out to the following Native American tribes that may have knowledge regarding tribal cultural resources in the project vicinity.

- Agua Caliente Band of Cahuilla Indians
- Cahuilla Band of Indians

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- Desert Cahuilla Indians
- Los Coyotes Band of Cahuilla Mission Indians
- Morongo Band of Mission Indians
- Pechanga Band of Luiseño Indians
- Rincon Band of Luiseño Indians
- San Manuel Band of Mission Indians
- Santa Rosa Band of Mission Indians
- Serrano Nation of Mission Indians
- Soboba Band of Luiseño Indians

The Pechanga Band of Luiseño Indians requested consultation regarding the proposed project. The consulting tribe considers the area sensitive for cultural resources as several sites are located nearby. Although no information for site specific tribal cultural resources was provided, the consulting tribe requested the inclusion of mitigation due to the potential of the project to unearth previously undocumented tribal cultural resources during construction. As such, Mitigation Measures TCR-1 through TCR-3 are included, which require Native American monitoring, and procedures for artifact disposition and inadvertent finds. With implementation of Mitigation Measures TCR-1 through TCR-3, impacts would be less than significant.

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in [Public Resources Code Section 21074](#) as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) , or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:
No Impact. As detailed previously in Section 5, *Cultural Resources*, the project site is currently vacant. Historic aerial photographs and maps of the project site showed no development in the general vicinity of the project area until after 1976. All improvements, therefore, are less than 45 years of age and considered modern and of no historical consequence (McKenna 2020).

The Phase I Resources Investigation and Paleontological Overview prepared for the project included a search of the California Historical Resource Information System (CHRIS) at the Eastern Information Center (EIC), located at the University of California, Riverside, Riverside County. The records search indicated that the nearest recorded resources are more than one-half mile distant. It was also determined that there are no known significant cultural resources within the project area and any future development will not adversely impact any significant resources. Furthermore, the Sacred Lands File search completed by the NAHC stated that there are no known/known sacred lands within a 1 mile of the project site (McKenna 2020). Therefore, no substantial evidence exists that tribal cultural resources are present in the project site, and potential impacts would be less than significant.

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1 . In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1 , the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant Impact with Mitigation Incorporated. As detailed previously, to avoid potential adverse effects to tribal cultural resources, Mitigation Measures CR-1 through CR-6, above and Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American and archaeological monitoring of excavation and grading activities to avoid potential impacts to tribal cultural resources that may be unearthed by project construction activities. No information has been provided to the Lead Agency indicating any likelihood of uncovering tribal cultural resources on the project site, there are no known tribal cultural resources on or adjacent to the project site, and no potentially significant

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impacts are anticipated. Mitigation Measures CR-1 through CR-6 and Mitigation Measures TCR-1 through TCR-3 are included in the event of any inadvertent discoveries during construction activities.

Additionally, as described previously and included as Mitigation Measure CR-6, California Health and Safety Code, Section 7050.5 requires that if human remains are discovered in the project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Therefore, with implementation of Mitigation Measures CUL-1 through CUL-6 and Mitigation Measures CUL-1 through CUL-3, impacts to tribal cultural resources would be less than significant.

Existing Plans, Programs, or Policies

PPP CUL-1: Human Remains. Listed previously in Section 5, Cultural Resources.

Mitigation Measures

Mitigation Measure TCR-1: Native American Monitoring. Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians for tribal monitoring. The City is also required to provide a minimum of 30 days’ advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.

Mitigation Measure TCR-2: Cultural Resource Disposition. In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

- a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department:
 - i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources.
 - ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure CR-2. 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 Mitigation Measure TCR-1. 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.

TCR-3: 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 to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).

Sources:

- 1. Moreno Valley General Plan, adopted July 11, 2006
 - Chapter 7 – Conservation Element – Section 7.2 – Cultural and Historical Resources
- 2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
 - Section 5.10 – Cultural Resources

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<ul style="list-style-type: none"> - Figure 4.10-1 – Locations of Listed Historic Resource Inventory Structures - Figure 4.10-2 – Location of Prehistoric Sites - Figure 4.10-3 – Paleontological Resource Sensitive Areas • Appendix F – Cultural Resources Analysis, Study of Historical and Archaeological Resources for the Revised General Plan, City of Moreno Valley, Archaeological Associates, August 2003. <ol style="list-style-type: none"> 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code 4. Moreno Valley Municipal Code Title 7 – Cultural Preservation 5. Cultural Resources Inventory for the City of Moreno Valley, Riverside County, California, prepared by Daniel F. McCarthy, Archaeological Research Unit, University of California, Riverside, October 1987 (<i>This document cannot be provided to the public due to the inclusion of confidential information pursuant to Government Code Section 6254.10.</i>) 6. Phase I Cultural Resources Investigation and Paleontological Overview for Tentative Tract Map No. 37858, City of Moreno Valley, Riverside County, California. March 18, 2020. Prepared by McKenna et al. (Appendix C). 				

XIX. UTILITIES AND SERVICE SYSTEMS – Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:
Less than Significant.
Water Infrastructure
 The proposed project would install a new 8-inch water pipeline in Bradshaw Circle that would connect to an existing 12-inch water pipeline in Cactus Avenue. The new onsite water system would convey water supplies to the proposed residences and landscaping through plumbing/landscaping fixtures that are compliant with the CalGreen Plumbing Code for efficient use of water.

The proposed project would continue to receive water supplies through the existing water line located within the Cactus Avenue rights-of-way that has the capacity to provide the increased water supplies needed to serve the proposed project, and no extensions or expansions to the water pipelines that convey water to the project site would be required. The installation of onsite water distribution lines would only serve the proposed project and would not provide water to any off-site areas.

The construction activities related to the onsite water infrastructure that would be needed to serve the proposed single-family residences is included as part of the proposed project and would not result in any physical environmental effects beyond those identified throughout this Initial Study. For example, construction emissions for excavation and installation of the water infrastructure is included in Sections 3, *Air Quality* and 8, *Greenhouse Gas Emissions*. Therefore, the proposed project would not result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant.

Wastewater Infrastructure
 The project includes installation of onsite sewer lines within the proposed onsite streets that would connect to the existing sewer line in Cactus Avenue. These wastewater flows will be further transported to the Moreno Valley Regional Water Reclamation Facility.

The construction activities related to installation of the onsite sewer infrastructure that would serve the proposed project is included as part of the proposed project and would not result in any physical environmental effects beyond those identified throughout this Initial Study. For example, construction emissions for excavation and installation of the sewer infrastructure is included in Section 3, *Air Quality* and 8, *Greenhouse Gas Emissions*, and noise volumes from these activities are evaluated in Section 13, *Noise*. As the proposed project includes facilities to serve the proposed development, it would not result in the need for construction of other new wastewater facilities or expansions, the construction of which could cause significant environmental effects. Therefore, impacts would be less than significant.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Response: Less Than Significant Impact. The proposed project would result in an increased demand for water supplies from the 37 single-family residential units. Water supplies to the project area are provided by EMWD, which serves 555 square miles of western Riverside County and includes the project area (UWMP 2015). In 2015, EMWD had a water demand of 146,090 AF, and based on land use and growth projections it anticipates a demand of 197,901 AF in 2020, which is a 35 percent increase over 2015 demands (an increase of 51,811 AF) (UWMP 2015). The UWMP details that the district has water supply to meet the projected demands over the next 25 years and beyond (UWMP 2015). The UWMP describes that the district has a projected supply of 197,901 AFY in 2020, and a predicted supply of 268,200 AFY in 2040.</p> <p>To provide a conservative estimate of project water use, a generation rate of 171 gallons per capita per day was used to estimate water demand from the proposed project (UWMP 2015). As described in Section 14, <i>Population and Housing</i>, the proposed project would result in 143 additional residents at full occupancy. Based on the district's 2020 water use target of 176 gallons per capita per day, the 143 additional residents would generate a water demand of 25,168 gallons per day. The project would limit water demand by inclusion of low-flow plumbing and irrigation fixtures, pursuant to the California Title 24 requirements.</p> <p>As detailed previously, the district has the water supply to meet the projected demands over the next 25 years and beyond. In addition, the 2015 UWMP details the available supply, including groundwater, imported water, and recycled water would meet the projected demand during normal, single dry and multiple dry years (UWMP 2015). Therefore, impacts related to water supplies from the proposed project would be less than significant.</p>				
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Response: Less than Significant Impact. As described above, wastewater flows would be conveyed to the Moreno Valley Regional Water Reclamation Facility. The treatment facility typically processes 10.6 million gallons per day (mgd) but has a current capacity for 16 mgd and an ultimate capacity of 41 mgd (UWMP 2015). Through the city's plan check process, the city's engineering department would confirm that the wastewater generated from the project would be accommodated within this capacity. Thus, the wastewater treatment plant has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments, and impacts would be less than significant.</p>				
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Response: Less Than Significant Impact. The closest landfill to the vacant project site is the Badlands Sanitary Landfill, which is located approximately 6 miles northeast from the project site at 31125 Ironwood Avenue in Moreno Valley. The landfill is permitted to accept 4,800 tons per day of solid waste and is permitted to operate through 2022 (CalRecycle 2020). In 2019, the landfill had an average throughput of 2,428 tons per day. As such, on average, the landfill would have a remaining capacity of 2,372 tons per day. As of March 2020, the landfill has a remaining capacity of 15,748,799 cubic yards (CalRecycle 2020).</p> <p>The CalEEMod solid waste generation rate for single-family residential land use is 0.41 tons per resident per year. As described previously, full occupancy of the proposed project would generate approximately 143 new residents. Thus, operation of the project would generate approximately 58.6 tons per solid waste per year; or 1.13 tons per week. However, at least 75 percent of the solid waste is required by AB 341 to be recycled, which would reduce the volume of landfilled solid waste to approximately 0.28 tons per week or 0.04 tons per day, which is within the Badlands Sanitary Landfill's</p>				

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
average remaining capacity of 2,372 tons per day. Thus, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and the project would not impair the attainment of solid waste reduction goals. Impacts related to landfill capacity would be less than significant.				
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Response: No Impact. The proposed project would result in new development that would generate an increased amount of solid waste. All solid waste-generating activities within the City are subject to the requirements set forth in Section 4.408 of the 2019 California Green Building Standards Code that requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, and AB 341 that requires diversion of a minimum of 75 percent of operational solid waste. Implementation of the proposed project would be consistent with all state regulations, as ensured through the City's development project permitting process. Therefore, the proposed project would comply with all solid waste statute and regulations; and impacts would not occur.</p>				
<p>Existing Plans, Programs, or Policies None.</p>				
<p>Mitigation Measures None.</p>				
<p>Sources:</p> <ol style="list-style-type: none"> 1. Moreno Valley General Plan, adopted July 11, 2006 <ul style="list-style-type: none"> • Chapter 2 – Conservation Element – Section 2.4 – Utilities • Chapter 6 – Safety Element – Section 6.7 – Water Quality • Chapter 7 – Conservation Element – Section 7.3 – Solid Waste • Chapter 7 -- Conservation Element – Section 7.5—Water Resources <ul style="list-style-type: none"> - Figure 6-1 – Water Purveyor Service Area Map 2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006 <ul style="list-style-type: none"> • Section 5.7 – Hydrology and Water Quality <ul style="list-style-type: none"> - Figure 4.7-1 – Storm Water Flows and Major Drainage Facilities - Figure 4.7-2 – Groundwater Basins • Section 5.13 – Public Services <ul style="list-style-type: none"> - Figure 4.13-1 – Locations of Public Facilities 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code 4. Moreno Valley Municipal Code Chapter 8.10 Stormwater/Urban Runoff Management and Discharge Controls 5. Moreno Valley Municipal Code Section 8.21.170 National Pollutant Discharge Elimination System (NPDES). 6. Moreno Valley Municipal Code Chapter 8.80 – Recycling and Diversion of Construction and Demolition Waste 7. California Emissions Estimator Model Appendix D Default Data Tables. Table 10.1 Solid Waste Disposal Rates. Accessed: http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/05_appendix-d2016-3-1.pdf?sfvrsn=2 8. CalRecycle Solid Waste Information System. Accessed at: https://www2.calrecycle.ca.gov/SWFacilities/Directory (Accessed May 12, 2020). 9. CalRecycle Disposal Reporting System: Jurisdiction Tons by Facility. Accessed at: https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility (Accessed May 12, 2020). 10. Eastern Municipal Water District 2015 Urban Water Management Plan. June 2016. Prepared by RMC. Available: https://www.emwd.org/post/urban-water-management-plan (Accessed May 12, 2020). 11. Eastern Municipal Water District Moreno Valley Regional Water Reclamation Facility Fact Sheet. Accessed: https://www.emwd.org/sites/main/files/file-attachments/mvrwrffactsheet.pdf (Accessed May 12, 2020). 				
<p>XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</p>				

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Response: No Impact. The project site is developed and within an urbanized residential area of Moreno Valley. The project site is surrounded by developed and urban areas. The project site is not adjacent to any wildland areas. According to the CAL FIRE Hazard Severity Zone map, the project site is not within a fire hazard zone. The proposed project area would be accessed from two driveways on Bradshaw Circle. Permitting of these roadways would provide adequate and safe circulation to, from, and through the project area and would provide two routes for emergency responders to access different portions of the project area. Because the project is required to comply with all applicable City codes, as verified by the City potential impacts related to an emergency response or evacuation would be less than significant.</p>				
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Response: No Impact. As discussed previously, the project site is developed and within an urbanized residential area of Moreno Valley. The project site is surrounded by developed and urban areas. The project site is not adjacent to any wildland areas, and as determined by the CAL FIRE Hazard Severity Zone map, the project site is not within a fire hazard zone. In addition, the project site is flat and within a flat area. The site is adjacent to roadways and residential developments. There are no factors on or adjacent to the project site that would exacerbate wildfire risks. Thus, no impact related to other factors that would expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire would occur from the project.</p>				
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Response: No Impact. As described previously, the project site is developed and within a developed and urban area that is not within a wildfire hazard zone. The project does not include any infrastructure that would exacerbate fire risks. In addition, the project would provide internal streets and fire suppression facilities (e.g., hydrants and sprinklers) that conform to the California Fire Code requirements, included as Municipal Code Chapter 8.36, as verified through the City's permitting process. Therefore, impacts related to infrastructure that could exacerbate fire risks would not occur with the proposed project.</p>				
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Response: No Impact. As described previously, the project site is developed and within a developed and urban area that is not within a wildfire hazard zone. In addition, the project site is flat and surrounded by flat areas. There are no slope or hillsides that would become unstable. In addition, the project would install onsite drainage that would be conveyed to the existing flood control channel, which is consistent with the existing condition. Therefore, impacts related to flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes would not occur from the proposed project.</p>				
<p>Sources:</p> <ol style="list-style-type: none"> 1. Moreno Valley General Plan, adopted July 11, 2006 <ul style="list-style-type: none"> • Chapter 6 – Safety Element – Section 6.2- Fire and Emergency Services – 6.2.8—Wildland Urban Interface 2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006 <ul style="list-style-type: none"> • Section 5.5 – Hazards and Hazardous Materials <ul style="list-style-type: none"> - Figure 4.5-2 – Floodplains and High Fire Hazard Areas 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code 				

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>4. Local Hazard Mitigation Plan, City of Moreno Valley Fire Department, adopted October 4, 2011, amended 2017, http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf</p> <ul style="list-style-type: none"> • Chapter 5 – Wildland and Urban Fires <ul style="list-style-type: none"> - Figure 4-2 – Moreno Valley High Fire Area Map 2016 • Chapter 8 – Landslide <ul style="list-style-type: none"> - Figure 7-1 – Moreno Valley Slope Analysis 2016 <p>5. Emergency Operations Plan, City of Moreno Valley, March 2009, http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf</p> <ul style="list-style-type: none"> • Threat Assessment 3 – Wildfire <p>6. California Department of Forestry and Fire Protection (CAL FIRE). 2020. Fire Hazard Severity Zone Map. Accessed: https://forestwatch.maps.arcgis.com/apps/Styler/index.html?appid=5e96315793d445419b6c96f89ce5d153 (Accessed May 12, 2020).</p>				

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

<p>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Response:
Less Than Significant with Mitigation Incorporated. The Habitat Assessment describes that the special-status wildlife and plant species with the potential to occur on the project site are covered by compliance with the MSHCP, which requires payment of fees, included as PPP BIO-1. Additionally, any impacts to SKR would be covered through payment of SKR fees as included in Mitigation Measure BIO-1. In addition, because the site supports suitable habitat for burrowing owl the MSHCP requires focused surveys pursuant to the Western Riverside County Regional Conservation Authority (RCA) Burrowing Owl Survey Instructions for the MSHCP area. Hence, Mitigation Measure BIO-2 requires a preconstruction burrowing owl survey to be conducted pursuant to the RCA Survey Instructions prior to start of ground disturbance activities. With implementation of Mitigation Measures BIO-2, impacts related to burrowing owl would be less than significant.

In addition, the Habitat Assessment identified suitable habitat and substrate for raptors and migratory birds that are protected under the Migratory Bird Treaty Act and Section 3503.5 of the California Department of Fish and Wildlife (CDFW) code. Therefore, Mitigation Measures BIO-3 and BIO-4 are included to require raptor and migratory nesting bird surveys if construction activities begin during the nesting season. With implementation of Mitigation Measures BIO-3 and BIO-4, impacts related to protected bird species would also be reduced to a less than significant level.

As described in Section 5, *Cultural Resources*, the project site does not contain any buildings or structures that meet any of the California Register of Historical Resources criteria or qualify as “historical resources” as defined by CEQA. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource. In addition, the Phase I Cultural Resources Investigation and Paleontological Overview determined that the potential for archaeological resources to be located within the project site is extremely low to nonexistent. However, the project area is considered moderately sensitive for paleontological resources. Thus, MM PAL-1 has been included to require paleontological monitoring during all future excavations that would exceed a relative depth of five feet below the present surface. Thus, implementation of MM PAL-1 would reduce potential impacts to important examples of California prehistory to a less than significant level.

As described in Section 18, *Tribal Cultural Resources*, to avoid potential adverse effects to tribal cultural resources, Mitigation Measures CR-1 through CR-6, above and Mitigation Measures TCR-1 through TCR-3 have been included to provide for Native American and archaeological monitoring of excavation and grading activities to avoid potential impacts to tribal cultural resources that may be unearthed by project construction activities.

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Response: Less than Significant with Mitigation Incorporated. The project would redevelop the project site for single-family residences within a developed area. The project would provide land uses that are consistent with the adjacent single-family residential uses. As described above, all of the potential impacts related to implementation of the project would be less than significant or reduced to a less than significant level with implementation of mitigation measures that are imposed by the City that effectively reduce environmental impacts.</p> <p>The other cumulative effects of the proposed project taken into consideration with these other projects would be limited, because the project site has already been developed and disturbed and the new uses onsite would not result in substantial change in the urban use of the area. As discussed in Section 19, <i>Utilities and Service Systems</i>, public services and utility infrastructure are in place to serve the project and would not result in cumulatively considerable increases in service and utility needs to serve the project. In addition, the project would not result in substantial effects to any environmental resource topic, as described though out this document.</p> <p>Overall, the proposed project would develop an area that has been subject to previous urban uses, is disturbed, and is surrounded by consistent development and roadways. Impacts to environmental resources or issue areas would not be cumulatively considerable; and cumulative impacts would be less than significant with implementation of the previously identified mitigation measures related to biological resources, paleontological resources, noise, and tribal cultural resources.</p>				
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Response: Less than Significant with Mitigation Incorporated. The project proposes development of the project site for single-family residential uses. As described previously, the project site is within an urban area and surrounded by consistent land uses. The project would not consist of any use or any activities that would result in a substantial negative affect on persons in the vicinity. All resource topics associated with the proposed project have been analyzed in accordance with CEQA and the State CEQA Guidelines and were found to pose no impacts or less-than-significant impacts with implementation of mitigation measures related to biological resources, paleontological resources, noise, and tribal cultural resources; and existing plans, programs, or policies that are required by the City. Consequently, the proposed project would in environmental effects that would cause substantial adverse effects on human beings directly or indirectly, and impacts would be less than significant with mitigation.</p>				

Attachment: Exhibit A to Resolution No. 2022-XX - Initial Study MND [Revision 1] (6019 : Bradshaw Collection)

DOCUMENT PREPARERS AND CONTRIBUTORS

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Exhibit B

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Attachment: Exhibit B to Resolution No. 2022-XX - Notice of Intent to Adopt a Mitigated Negative Declaration (MND) [Revision 1] (6019 :

**CITY OF MORENO VALLEY
NOTICE OF INTENT
MITIGATED NEGATIVE DECLARATION**

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

Project: General Plan Amendment (PEN20-0174), Change of Zone (PEN20-0175), Conditional Use Permit for a Planned Unit Development (PEN20-0173), Tentative Tract Map 37858 (PEN20-0172)

Applicant: RC Hobbs Company

Owner: Corp of Pres Bishop Church of Jesus Christ of Latter-Day Saints

Representative: Roger Hobbs, RC Hobbs Company

Location: Northside of Cactus Avenue, East of Moreno Beach Drive (478-090-018, 478-090-024, 478-090-025)

Proposal: The applicant proposes to develop a 4.81-acre site with 37-lot single-family residential project. Applications include a General Plan Amendment to change the existing land use designation to Residential 10 (R10) with a Zone Change to change the Zoning designation from Residential 5 (R5) District to the Residential Single-Family 10 (RS10) District, a Conditional Use Permit for a Planned Unit Development for 37 single-family lots, including a park area, sidewalks, and on-site roadway parking.

Council District: 4

This Notice of Intent (NOI) has been prepared to notify agencies and interested parties that the City of Moreno Valley, as the Lead Agency, has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the requirements of the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with construction and operation of the project as described below.

Project Description: The applicant proposes to develop a 4.81-acre site with 37-lot single-family residential project. Applications include a General Plan Amendment to change the existing land use designation to Residential 10 (R10) with a Zone Change to change the Zoning designation from Residential 5 (R5) District to the Residential Single-Family 10 (RS10) District, a Conditional Use Permit for a Planned Unit Development for 37 single-family lots, including a park area, sidewalks, and on-site roadway parking and a Tentative Tract Map to subdivide the parcel.

The Project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Document Availability: The Initial Study/Mitigated Negative Declaration, and all documents incorporated and/or referenced therein, can be reviewed during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and Friday, 7:30 a.m. to 4:30 p.m.) at the City of Moreno Valley Planning Division counter, located at 14177 Frederick Street, Moreno Valley, CA 92553. The documents may also be reviewed on the City's website at <http://www.moreno-valley.ca.us/cdd/documents/about-projects.html>.

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

Comment Deadline: Pursuant to Section 15105(b) of the CEQA Guidelines, the City has established a 20-day public review period for the Initial Study/Mitigated Negative Declaration, which begins October 13, 2022, and ends November 2, 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 p.m. on November 2, 2022. Written comments on the Initial Study/Mitigated Negative Declaration should be addressed to:

Magda Gonzalez, Contract Planner
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Phone: (951) 413-3206

Email: magdag@moval.org

<i>Sean Kelleher</i>	Press-Enterprise	October 13, 2022
Sean Kelleher, Planning Official Community Development Department	Newspaper	Date of Publication

Attachment: Exhibit B to Resolution No. 2022-XX - Notice of Intent to Adopt a Mitigated Negative Declaration (MND) [Revision 1] (6019 :

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. The City of Moreno Valley is the Lead Agency for the project and is responsible for implementation of the MMRP. Table 1 of 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. This report also describes existing Plans, Programs, or Policies (PPPs) that apply to the project in Table 2.

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 Project. The table identifies mitigation measures required by the City to mitigate or avoid significant 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.

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Attachment: Exhibit C to Resolution No. 2022-XX - Mitigation Monitoring and Reporting Program (MMRP) [Revision 1] (6019 : Bradshaw

TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
BIOLOGICAL RESOURCES			
MM BIO-1: Payment of SKR Fees. Prior to the issuance of a grading permit, the project applicant shall pay all relevant Stephen’s kangaroo rat mitigation fees.	Prior to the issuance of grading permits.	City of Moreno Valley Community Development Department	
MM BIO-2: Preconstruction Burrowing Owl Surveys. Pursuant to the MSHCP Objective 6, for burrowing owl, a preconstruction burrowing owl survey shall be conducted prior to issuance of a grading permit to verify the presence/absence of the owl on the Project site. Within thirty days of the onset of construction activities, a qualified biologist shall survey within 500 feet of the Project site for the presence of any active owl burrows. Any active burrow found during survey efforts shall be mapped on the construction plans. If no active burrows are found, no further mitigation would be required. Results of the surveys shall be provided to the City of Moreno Valley. If nesting activity is present at an active burrow, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for burrowing owl in the region normally occurs between March and August. To protect the active burrow, the following restrictions to construction activities shall be required until the burrow is no longer active as determined by a qualified biologist: (1) clearing limits shall be established within a 500-foot buffer around any active burrow, unless otherwise determined by a qualified biologist, and (2) access and surveying shall be restricted within 300 feet of any active burrow, unless otherwise determined by a qualified biologist. Any encroachment into the buffer area around the active burrow shall only be allowed if the biologist determines that the proposed activity will not disturb the nest occupants. Construction can proceed when the qualified biologist has determined that fledglings have left the nest. If an active burrow is observed during the non-nesting season, the nest site shall be monitored by a qualified biologist, and when the raptor is away from the nest, the biologist will either actively or passively relocate the	Submittal of pre-activity field survey results report. Prior to construction.	City of Moreno Valley Community Development Department	

Attachment: Exhibit C to Resolution No. 2022-XX - Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>burrowing owl based on direction from the WRC RCA. The biologist shall then remove the burrow so the burrowing owl cannot return to the burrow. Therefore, based on the described construction activities and implementation of mitigation measures as identified, impacts to BUOW would not be significant.</p>			
<p>MM BIO-3: Preconstruction Raptor Surveys. Seven days prior to the onset of construction activities during the raptor nesting season (February 1 to June 30), a qualified biologist shall survey within 500 feet of the project impact area for the presence of any active raptor nests (common or special status). Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the CDFW. If nesting activity is present at any raptor nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. To protect any nest site, the following restrictions to construction activities are required until nests are no longer active as determined by a qualified biologist: (1) clearing limits shall be established within a 500-foot buffer around any occupied nest, unless otherwise determined by a qualified biologist, and (2) access and surveying shall be restricted within 300 feet of any occupied nest, unless otherwise determined by a qualified biologist. Any encroachment into the buffer area around the known nest shall only be allowed if the biologist determines that the proposed activity will not disturb the nest occupants. Construction can proceed when the qualified biologist has determined that fledglings have left the nest. If an active nest is observed during the non-nesting season, the nest site shall be monitored by a qualified biologist, and when the raptor is away from the nest, the biologist will flush any raptor to open space areas. A qualified biologist, or construction personnel under the direction of the qualified biologist, shall then remove the nest site so raptors cannot return to a nest.</p>	<p>Submittal of pre-activity field survey results report (if construction is conducted between Feb. and June). Prior to Demolition or Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C to Resolution No. 2022-XX - Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>MM BIO-4: Preconstruction Nesting Bird Surveys. If construction is to occur during the MBTA nesting cycle (February 1-September 15) than a nesting bird survey should be conducted by a qualified biologist. Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered take and is potentially punishable by fines or imprisonment. Active bird nests should be mapped utilizing a hand-held global positioning system (GPS) and a 300' buffer will be flagged around the nest (500' buffer for raptor nests). Construction should not be permitted within the buffer areas while the nest continues to be active (eggs, chicks, etc.).</p>	<p>Submittal of pre-activity field survey results report (if construction is conducted between Feb. and Sept.). Prior to Demolition or Grading Permit.</p>		
CULTURAL RESOURCES			
<p>MM CR-1: Archaeological Monitoring. Prior to the issuance of a grading permit, the Developer shall retain a professional archaeologist to conduct monitoring of all ground disturbing activities. The Project Archaeologist shall have the authority to temporarily redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist, in consultation with the Consulting Tribe(s) including the Pechanga Band of Indians, the contractor, and the City, shall develop a Cultural Resource Monitoring Plan (CRMP) as defined in Mitigation Measure CR-2. 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>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to Grading Permit and during subsurface excavation.</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C to Resolution No. 2022-XX - Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>MM CR-2: 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 Assembly Bill (AB) 52 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 AB 52 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 AB 52. 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; 	<p>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to Grading Permit and during subsurface excavation.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>MM CR-3: The City shall verify that the following note is included on the Grading Plan: "If any suspected archaeological resources are discovered during ground – disturbing activities and the Project Archaeologist or Native American Tribal Representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the Project Archaeologist and the Tribal Representatives to the site to assess the significance of the find."</p>	<p>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to Grading Permit and</p>	<p>City of Moreno Valley Community Development Department</p>	

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
	during subsurface excavation.		
<p>MM CR-4: Inadvertent Finds. If potential historic or cultural resources are uncovered during excavation or construction activities at the project site that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to Project approval, all ground disturbing activities in the affected area within 100 feet of the uncovered resource must cease immediately and a qualified person meeting the Secretary of the Interior's standards (36 CFR 61), Tribal Representatives, and all site monitors per the Mitigation Measures, shall be consulted by the City to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, or prehistoric resource. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional 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 Mitigation Measure CR-1 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>Confirmation of professional archaeologist retention/ongoing/monitoring/submittal of Report of Findings. Prior to Grading Permit and during subsurface excavation.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>MM CR-5: 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</p>	<p>Submittal of two (2) copies of the Phase III and IV Data Recovery</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C to Resolution No. 2022-XX - Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>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>Reports (if required). Prior to Final Inspection.</p>		
<p>MM CR-6: Human Remains. If human remains are discovered, no further disturbance shall occur in the affected area until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 24 hours of the published finding to be given a reasonable opportunity to identify the "most likely descendant". The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).</p>	<p>Ongoing during subsurface excavation.</p>	<p>City of Moreno Valley Community Development Department</p>	
PALEONTOLOGICAL			
<p>MM PAL-1: Paleontological Resources. A paleontologist selected from the roll of qualified paleontologists maintained by the City shall be retained to provide spot-check monitoring services for the project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall require paleontological spot-check monitoring of excavation that exceeds depths of 5 feet. The PRIMP</p>	<p>Confirmation of professional paleontologist retention/ongoing/monitoring/submittal of Paleontological Resources Impact Mitigation Plan (PRIMP).</p>	<p>City of Moreno Valley Community Development Department</p>	

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>shall state that the project paleontologist shall re-evaluate the necessity for paleontological monitoring after 50 percent or greater of the excavations deeper than 5 feet have been completed.</p> <p>In the event that paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery 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 will 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>	<p>Prior to Grading Permit and during subsurface excavation.</p>		

Attachment: Exhibit C to Resolution No. 2022-XX - Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
TRIBAL			
<p>TCR-1: Native American Monitoring. Prior to the issuance of a grading permit, the Developer shall secure agreements with the Pechanga Band of Luiseño Indians for tribal monitoring. The City is also required to provide a minimum of 30 days’ advance notice to the tribes of all ground disturbing activities. The Native American Tribal Representatives shall have the authority to temporarily halt and redirect earth moving activities in the affected area in the event that suspected archaeological resources are unearthed. The Native American Monitor(s) shall attend the pre-grading meeting with the Project Archaeologist, City, the construction manager and any contractors and will conduct the Tribal Perspective of the mandatory Cultural Resources Worker Sensitivity Training to those in attendance.</p>	<p>Secure Tribal Monitoring Agreements. Prior to Grading Permit.</p>	<p>Qualified Professional Archeologist/ City of Moreno Valley Community Development Department</p>	
<p>TCR-2: Cultural Resource Disposition. In the event that Native American cultural resources are discovered during the course of ground disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <ul style="list-style-type: none"> a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Moreno Valley Planning Department: <ul style="list-style-type: none"> i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place they were found with no development affecting the integrity of the resources. ii. Onsite reburial of the discovered items as detailed in the treatment plan required pursuant to Mitigation Measure CR-2. 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 	<p>Submit a CRMP prepared by Professional Archaeologist in consultation with Tribe. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	

Mitigation Measure	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>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 Mitigation Measure TCR-1 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>TCR-3: 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 to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).</p>	<p>Reburial locations shall not be publicly disclosed. Pre- and post-project.</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C to Resolution No. 2022-XX - Mitigation Monitoring and Reporting Program (MMRP)

TABLE 2: EXISTING PLANS, PROGRAMS, OR POLICIES

PPP	Action and Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
AIR QUALITY			
<p>PPP AQ-1: Rule 402. The project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p>	<p>Compliance with Rule 402. Construction.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>PPP AQ-2: Rule 403. The project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</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. • The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day. • The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less. 	<p>Compliance with Rule 403. Construction.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>PPP AQ-3: Rule 1113. The project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only</p>	<p>Compliance with Rule 1113. Construction.</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C to Resolution No. 2022-XX - Mitigation Monitoring and Reporting Program (MMRP)

<p>“Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>			
BIOLOGICAL RESOURCES			
<p>PPP BIO-1: MSHCP Development Impact Fees. Prior to issuance of a grading or building permit, the project applicant will be required to pay relevant City of Moreno Valley mitigation fees to the City.</p>	<p>Pay MSHCP fee. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	
GEOLOGY			
<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>Comply with California Building Cod. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	
GREENHOUSE GAS EMISSIONS			
<p>PPP GHG-1: CalGreen Compliance. The project is required to comply with the CalGreen Building Code as included in the City’s Municipal Code to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.</p>	<p>Comply with CalGreen efficient energy specifications. Prior to building permit.</p>	<p>City of Moreno Valley Community Development Department</p>	
PUBLIC SERVICES			
<p>PPP PS-1: The project will be required to pay applicable development fees levied by the Moreno Valley Unified School District pursuant to the School Facilities Act (Senate Bill [SB] 50, Stats. 1998, c.827) to offset any effects on school facilities resulting from new development.</p>	<p>Pay SB 50 school fees. Prior to building permits.</p>	<p>City of Moreno Valley Community Development Department</p>	

<p>PPP PS-2: Park Fees. As a condition of the approval of a residential development, the project shall pay applicable park related fees and/or dedicate parkland pursuant to Municipal Code Section 3.38.080 and Chapter 3.40.</p>	<p>Pay applicable park fees. Prior to building permits.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>WATER QUALITY</p>			
<p>PPP WQ-1: Stormwater Pollution Prevention Plan. Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD) in accordance with the City’s Municipal Code Chapter 8.10 and the Santa Ana Regional Water Quality Control Board National Pollution Discharge Elimination System (NPDES) Storm Water Permit Order No. R4-2012-0175 (MS4 Permit). The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other NPDES regulations to limit the potential of erosion and 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 the City of Moreno Valley staff or its designee to confirm compliance.</p>	<p>Review and approval of SWPPP. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	
<p>PPP WQ-2: Water Quality Management Plan, Prior to grading permit issuance, the project applicant shall have a Water Quality Management Plan (WQMP) approved by the City for implementation. The project shall comply with the City’s Municipal Chapter 8.10 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the Regional Water Quality Control Board (RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the project.</p>	<p>Review and approval of WQMP. Prior to Grading Permit.</p>	<p>City of Moreno Valley Community Development Department</p>	

Attachment: Exhibit C to Resolution No. 2022-XX - Mitigation Monitoring and Reporting Program (MMRP)

RESOLUTION NUMBER 2022-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE APPEAL PAA22-0004 OF THE PLANNING COMMISSION'S DENIAL OF GENERAL PLAN AMENDMENT PEN20-0174 TO AMEND THE GENERAL PLAN LAND USE MAP, CHANGING THE LAND USE DESIGNATION FROM RESIDENTIAL 5 (R5) TO RESIDENTIAL 10 (R10), CONDITIONAL USE PERMIT (PEN 20-0173) AND TENTATIVE TRACT MAP 37858 (PEN20-0172), FOR A PLANNED UNIT DEVELOPMENT FOR THE PROPERTY LOCATED ON THE NORTHEAST SIDE OF CACTUS AVENUE EAST OF MORENO BEACH DRIVE (APN'S 478-090- 018, 478-090-024, AND 478-090-025) AND THE NECESSARY AND CORRESPONDING AMENDMENTS TO THE CITY'S ZONING ATLAS

WHEREAS, the City of Moreno Valley ("City") is a general law city and a municipal corporation of the State of California, and has the authority to approve amendments to the City's General Plan and the City's Zoning Atlas; and

WHEREAS, RC Hobbs Company ("Applicant") has submitted of the Appeal PAA22-0004 of the Planning Commission's denial of General Plan Amendment (PEN20-0174), Conditional Use Permit (PEN20-0173), and Tentative Tract Map 37858 (PEN20-0172) for the proposed development of a thirty-seven (37) lot, single-family residential development on 4.81 acres, commonly known as the Bradshaw Collection (the "Proposed Project") located on the northeast side of Cactus Avenue east of Moreno Beach Drive (APN 478-090-018, 478-090-024, and 478-090-025) ("Project Site"); and

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

WHEREAS, Chapter 9.14 (Land Division) of the Moreno Valley Municipal Code imposes conditions of approval upon projects for which a Tentative Tract Map is required, which conditions may be imposed by the City to address on-site improvements, off-site improvements, the manner in which the Project Site is used, and any other conditions as may be deemed necessary to protect the public health, safety, and welfare and ensure that the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

WHEREAS, the applications for the Proposed Project have been evaluated in accordance with Section 9.02.060 (Conditional Use Permits) and Chapter 9.14 (Land Divisions), respectively, of the Municipal Code with consideration given to the City's General Plan, Zoning Ordinance, and other applicable laws and regulations; and

WHEREAS, The Applicant has filed an application for the approval of General Plan Amendment PEN20-0174 (“Application”) requesting an amendment to the Moreno Valley General Plan from Residential 5 (R5) to Residential 10 (R10), which shall also require any necessary and corresponding amendments to the City’s Zoning Atlas to reflect that zoning classification and/or redistricting of the Project Site shall retain consistency between the Zoning Atlas and the General Plan land use designations; and

WHEREAS, on November 10, 2022, the public hearing to consider the Application was duly conducted by the Planning Commission at which time all interested persons were provided with an opportunity to testify and to present evidence; and

WHEREAS, on November 10, 2022, the Planning Commission Denied the proposed General Plan Amendment finding it inconsistent with the existing goals, objectives, policies and programs of the General Plan; and would adversely affect the public health, safety or general welfare.

WHEREAS, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Moreno Valley Municipal Code and Government Code section 65905, a public hearing was scheduled for December 20, 2022, and notice thereof was duly published and posted, and mailed to all property owners of record with 600 feet of the Site; and

WHEREAS, on December 20, 2022, the City Council conducted a duly noticed public hearing on the Proposed Project, and considered the Proposed Project’s Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program; and

WHEREAS, on December 20, 2022, the public hearing was duly conducted by the City Council at which time all interested persons were provided with an opportunity to testify and to present evidence; and

WHEREAS, on December 20, 2022, in accordance with the provisions of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the City Council considered and approved Resolution 2022-___ adopting the Proposed Project’s Mitigated Negative Declaration, and adopting a Mitigation Monitoring and Reporting Program.

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

Section 1. Recitals and Exhibits

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

Section 2. Notice

That pursuant to Government Code section 66020(d)(1), notice is hereby given that the proposed project is subject to certain fees, dedications, reservations and other exactions as provided herein, in the staff report and conditions of approval (collectively, “Conditions”);

and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

Section 3. Evidence

That the City Council has considered all the evidence submitted into the Administrative Record related to the Project, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) The Moreno Valley General Plan amendment changing the land use designation from Residential 5 (R5) to Residential 10 (R10) and all relevant provisions contained therein as shown on Exhibit A;
- (d) Application for the approval of a General Plan Amendment PEN20-0174 Change of Zone (PEN20-0175) and corresponding amendment to the City's Zoning Atlas, Conditional Use Permit (PEN20-0173), and Tentative Tract Map 37858 (PEN20-0172) and all documents, records and references contained therein;
- (e) Staff Reports prepared for the Planning Commission and City Council's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearings;
- (f) Testimony and/or comments from Applicant and its representatives during the public hearings; and
- (g) Testimony and/or comments from all persons that was provided in written format or correspondence, at, or prior to, the public hearings.

Section 4. Findings

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the City Council hereby recommends the City Council finds as follows:

- (a) The proposed General Plan Amendment and Change of Zone are consistent with the existing goals, objectives, policies, and programs of the General Plan;
- (b) The proposed General Plan Amendment and Change of Zone will not adversely affect the public health, safety, or general welfare;
- (c) The Proposed Project is consistent with the goals, objectives, policies, and programs of the general plan;
- (d) The Proposed Project complies with all applicable zoning and other regulations;
- (e) The Proposed Project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
- (f) The location, design, and operation of the Proposed Project will be

- compatible with existing and planned land uses in the vicinity;
- (g) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- (h) That the Project Site is physically suitable for the type of development;
- (i) That the Project Site of the proposed land division is physically suitable for the proposed density of the development;
- (j) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife and/or their habitat;
- (k) That the design of the subdivision or type of improvements is not likely to cause serious public health problems;
- (l) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision;
- (m) That the requirements of CEQA have been satisfied;
- (n) That the proposed land division is not subject to the Williamson Act pursuant to the California Land Conservation Act of 1965;
- (o) That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city;
- (p) That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision; and
- (q) That the effect of the Proposed Project on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

Section 5. Approval of Appeal.

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings set forth above, the City Council hereby approves General Plan Amendment (PEN20-0174) as depicted in the exhibit attached hereto as Exhibit A, and any necessary and corresponding amendment to the City's Zoning Atlas to reflect the proposed changes in the zoning classification and/or redistricting associated with the General Plan Amendment (as set forth in more detail in Ordinance Number 2022-___, as set forth in the December 20, 2022, agenda, incorporated herein by this reference, approve the Proposed Project subject to the Conditions of Approval for Conditional Use Permit (PEN20-0173) and Tentative Tract Map 37858 (PEN20-0172), attached hereto and Exhibit A.

Section 6. Repeal of Conflicting Provisions

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

Section 7. Severability

That the City Council declares that, should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the

remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 8. Effective Date

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

PASSED AND ADOPTED THIS ___ day of _____, 2022.

CITY OF MORENO VALLEY
CITY COUNCIL

Ulises Cabrera,
Mayor of the City of Moreno Valley

ATTEST:

Jane Halstead,
City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla,
Interim City Attorney

Exhibits:

Exhibit A: General Plan Amendment Land Use Designation Map

Exhibit B: Conditional Use Permit (PEN20-0173) and Tentative Tract Map 37858
(PEN20-0173) Conditions of Approval

Attachment: Resolution No. 2022-XX - Approving Appeal PAA22 0004 [Revision 3] (6019 : Bradshaw Collection)

Exhibit A
General Plan Amendment Land Use Designation Map

Attachment: Resolution No. 2022-XX - Approving Appeal PAA22 0004 [Revision 3] (6019 : Bradshaw Collection)

PEN20-0174 General Plan Amendment

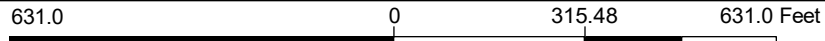


Legend

- Parcels
- From R5 to RS10

Image Source: Nearmap

Notes:



WGS_1984_Web_Mercator_Auxiliary_Sphere

Print Date: 10/21/2022

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

Attachment: Resolution No. 2022-XX - Approving Appeal PAA22 0004 [Revision 3] (6019 : Bradshaw

Exhibit B

Conditional Use Permit (PEN20-0173) and Tentative Tract Map 37858 (PEN20-0172) Conditions of Approval

Attachment: Resolution No. 2022-XX - Approving Appeal PAA22 0004 [Revision 3] (6019 : Bradshaw Collection)

CONDITIONS OF APPROVAL

Conditional Use Permit (PEN20-0173)

Tentative Tract Map (PEN20-0172)

Page 1

CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 Conditional Use Permit (PEN20-0173)
 Tentative Tract Map (PEN20-0172)

EFFECTIVE DATE:

EXPIRATION DATE:

COMMUNITY DEVELOPMENT DEPARTMENT**Planning Division**

1. 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)
2. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
3. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
4. 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)
5. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
6. 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.
7. 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

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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.

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)

Special Conditions

9. Prior to recordation of the final subdivision map, the following documents shall be submitted to and approved by the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
- a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other

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recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

In addition, the following deed restrictions and disclosures shall be included within the document and grant deed of the properties:

a. The developer and homeowners association shall promote the use of native plants and trees and drought tolerant species.

b. All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.

c. Maintenance of any and all common facilities.

d. A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.

e. Oleander plants or trees shall be prohibited on open space lots adjacent to multi-use trails.

10. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
11. Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to and approved by the Planning Division. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)
12. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)
13. Prior to the issuance of grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.

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14. Prior to any site disturbance and/or grading plan submittal, and or final map recordation, a mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant/owner. No City permit or approval shall be issued until such fee is paid. (CEQA)
15. 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.)
16. Prior to issuance of building permits, final front and street side yard landscape and irrigation plans, and basin landscape plans, shall be approved.
17. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.
18. Prior to issuance of grading permits, the project shall comply with all applicable mitigation measures related to cultural resources and Native American requirements.
19. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
20. The site shall be developed in accordance with the approved Conditional Use Permit (Planned Development Unit) and Tentative Tract Map on file in the Community Development Department-Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020). A minimum of three-color palettes/schemes shall be used for each elevation type, showing a variety of exterior building material colors and roofing material colors
21. Prior to grading plan approval, Basin fencing shall include wrought iron fencing with pilasters.
22. Prior to building final, a basin maintained by an HOA or other private entity, landscape (trees, shrubs and groundcover) and irrigation shall be installed, and maintained by the HOA or other private entity with documentation provided to the Planning Division.
23. A drought tolerant landscape palette shall be utilized throughout the tract in compliance with the City's Landscape Requirements. (MC 9.17.030)
24. All units shall be designed with four sided architecture using the details from the front elevation

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Prior to Grading Permit

25. At least thirty days prior to issuance of any grading permit, the developer shall retain a qualified archaeologist, provide a letter identifying the name and qualifications of the archaeologist to the Planning Division for approval, to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources and to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity.

At least thirty days prior to issuance of a grading permit, the applicant shall provide evidence that contact has been established with the appropriate Native American Tribe(s), providing notification of grading, excavation and the proposed monitoring program and to coordinate with the City and Tribe(s) to develop a cultural resources treatment and monitoring agreement. The agreement shall address treatment of known cultural resources, the designation, responsibilities and participation of Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.

A report documenting the proposed methodology for grading monitoring shall be submitted to and approved by the Planning Division prior to issuance of any grading permit. The monitoring archaeologist shall be empowered to stop and redirect grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The archaeologist shall consult with affected Tribe(s) to evaluate any archaeological resources discovered on the project site. Tribal monitors shall be allowed to monitor all grading, excavation and groundbreaking activities, and shall also have authority to stop and redirect grading activities in consultation with the project archaeologist.

The property owner shall relinquish ownership to the Tribe(s) of all Native American cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project site for proper treatment and disposition. All sacred sites, should they be encountered with the project site, shall be avoided and preserved as the preferred mitigation.

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

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- shall make a determination based on the provisions of CEQA and consideration of the religious beliefs, customs and practices of the Tribe(s).
26. 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.
 27. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
 28. Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Planning Division and Public Works Department - Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW-Special Districts.
 29. 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)
 30. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
 31. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are

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- potentially Native American, the California Native American Heritage Commission shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the “most likely descendant.” The “most likely descendant” shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).
32. Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of Multiple Species Habitat Conservation Plan. The pre-construction survey shall be submitted to the Planning Division prior to any disturbance of the site and/or grading permit issuance.
 33. Prior to the issuance of grading permits, the site plan and grading plans shall show decorative hardscape (e.g. colored concrete, stamped concrete, pavers or as approved by the Planning Official) consistent and compatible with the design, color and materials of the proposed development for all driveway ingress/egress locations of the project. [apply to commercial and multi-family project, and major entry driveways for industrial]
 34. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - a. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - b. 3-foot high decorative wall, solid hedge or berm shall be placed in any setback areas between a public right of way and a parking lot for screening.
 - c. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - d. 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).
 - e. 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) [select those that apply]
 35. 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

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conspicuously posted at the site and remain in place until occupancy of the project.
The sign shall include the following:

- a. The name (if applicable) and address of the development.
- b. The developer's name, address, and a 24-hour emergency telephone number.

36. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.

Building Division

37. Prior to submittal, all new development, including residential second units, are required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
38. Contact the Building Safety Division for permit application submittal requirements.
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. The proposed project will be subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance. Contact the water district at 951.928.3777 for specific details.
43. 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.
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

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Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.

45. The proposed residential project shall comply with the California Green Building Standards Code, Section 4.106.4, mandatory requirements for Electric Vehicle Charging Station (EVCS).
46. 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)

FIRE DEPARTMENT**Fire Prevention Bureau**

47. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
48. 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)
49. 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)
50. 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)
51. 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)
52. 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)
53. Prior to issuance of building permits, plans specifying the required structural materials for building construction in high fire hazard severity zones shall be

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- submitted to the Fire Prevention Bureau for approval. (CFC, 4905)
54. 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.
 55. 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.
 56. 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)
 57. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
 58. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
 59. 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])
 60. 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)
 61. 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

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- 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)
62. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
 63. 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)
 64. 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)
 65. Prior to issuance of Building Permits, plans for structural protection from vegetation fires shall be submitted to the Fire Prevention Bureau for review and approval. Measures shall include, but are not limited to: noncombustible barriers (cement or block walls), fuel modification zones, etc. (CFC Chapter 49)
 66. 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)
 67. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering said waterflow for 2 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B)
 68. Prior to issuance of Certificate of Occupancy or Building Final, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1, MVMC 8.36.060[1])

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69. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6" x 4" x 2 ½") shall be located at each intersection of all residential streets. Hydrants shall be spaced no more than 500 feet apart in any direction so that no point on the street is more than 250 feet from a hydrant. Minimum fire flow shall be 1000 GPM for 1 hour duration of 20 PSI. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, serving one and two-family residential developments, standard fire hydrants shall be provided at spacing not to exceed 1000 feet along the tract boundary for transportation hazards. (CFC 507.3, Appendix B, MVMC 8.36.060).
70. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.
71. 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.

PUBLIC WORKS DEPARTMENT**Land Development**

72. 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.
73. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58,

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said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]

74. 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.
75. 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.
76. 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]
77. 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)]
78. The developer shall protect downstream properties from damage caused by

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- 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]
79. Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: “Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed.” In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
80. 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.
81. The proposed private storm drain system shall connect to Riverside County Flood Control's existing line F-4 in Cactus Ave. 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.
82. For single family residential subdivisions, all lots shall drain to the street at a minimum surface grade of 2.0% and on-site drainage shall be conveyed onto the street with subsurface drains at a minimum grade of 0.5% per current City Standards MVSI-152 and MVSI-153A. No cross-lot or over the sidewalk drainage shall be allowed.
83. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
- a. Final (Tract) Map (recordation prior to building permit issuance);
 - b. Rough grading w/ erosion control plan (prior to grading permit issuance);
 - c. Precise grading w/ erosion control plan (prior to grading permit issuance);
 - d. Public improvement plan (e.g., street/storm drain w/ striping, , sewer/water, etc.) (prior to map approval);
 - e. Final drainage study (prior to grading plan approval);
 - f. Final WQMP (prior to grading plan approval);
 - g. As-Built revision for all plans (prior to Occupancy release);
84. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction

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related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Homeowner's Association (HOA).

Prior to Grading Plan Approval

85. Resolution of all drainage issues shall be as approved by the City Engineer.
86. 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.
87. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity.
88. 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.
89. 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.
90. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.

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91. 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.
92. 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.
93. 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 infiltration basins. 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.
- 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.

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Prior to Grading Permit

94. 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)]
95. 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)]
96. 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]

Prior to Map Approval

97. All proposed street names shall be submitted for review and approved by the City Engineer, if applicable. [MC 9.14.090(E.2.k)]
98. A copy of the Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review and approved by the City Engineer. The CC&R's shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. In addition, for single-family residential development, bylaws and articles of incorporation shall also be included as part of the maintenance agreement for any water quality BMPs.
99. Resolution of all drainage issues shall be as approved by the City Engineer.
100. Maps (prepared by a registered civil engineer and/or licensed surveyor) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
101. 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 requirement: Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality BMPs". Any lots which are identified as "Water Quality BMPs" shall be owned in fee by the HOA.
102. The developer shall guarantee the completion of all related improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]

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103. All public improvement plans required for this project shall be approved by the City Engineer in order to execute the Public Improvement Agreement (PIA).
104. After recordation, a digital (pdf) copy of the recorded map shall be submitted to the Land Development Division.
105. All street dedications shall be free of all encumbrances, irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer.

Prior to Improvement Plan Approval

106. The developer shall submit clearances from all applicable agencies, and pay all applicable plan check fees.
107. The street improvement plans shall comply with current City policies, plans and applicable City standards (i.e. MVSI-160 series, etc.) throughout this project. This includes, but is not limited to street lights along the project frontage along Bradshaw Circle and Cactus Ave.
108. 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.
109. 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.
110. 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.
111. Any missing or deficient existing improvements along the project frontage shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
112. 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

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determined by the City Engineer.

113. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.
114. The developer shall be required to construct Cactus Avenue (minor arterial, MVSI-105A) along the project boundary.
115. The developer shall be required to construct full street improvements with the exception of a westerly sidewalk on Bradshaw Circle (local street, MVSI-107A) along the project boundary.

Prior to Encroachment Permit

116. 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.
117. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

118. 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.
119. For all subdivision projects, the map shall be recorded (excluding model homes). [MC 9.14.190]
120. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).
121. Prior to Building Permit issuance, an access agreement shall be recorded to allow

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the City access from Cactus Ave. through Bradshaw Circle for access to water quality basins lots A & B as well as the storm drain line on Bradshaw Circle, as required by the City Engineer.

Prior to Occupancy

122. All outstanding fees shall be paid.
123. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
124. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (MVU: SL-2), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Under grounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
125. For residential subdivisions, punch list work for improvements and capping of streets in that phase shall be completed and approved for acceptance by the City Engineer, prior to issuance of Occupancy.
126. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
 - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.
127. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of

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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.

128. 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.

Special Districts Division

129. NEW STREET LIGHT INSTALLATION FEES. Prior to the issuance of the first building permit for this project, the Developer shall pay New Street Light Installation Fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (specialdistricts@moval.org). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee. Questions may be directed to the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.
130. If maintained by City, parkway, open space, and/or median landscaping specified in the project's Conditions of Approval shall be constructed in compliance with the City of Moreno Valley Public Works Design Guidelines and completed prior to the issuance of 25% (or 10) of the dwelling permits for this tract or 12 months from the issuance of the first dwelling permit, whichever comes first. In cases where a phasing plan is submitted, the actual percentage of dwelling permits issued prior to the completion of the landscaping shall be subject to the review of the construction phasing plan.

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131. For those areas to be maintained by the City and prior to the issuance of the first Building Permit, Planning Division (Community Development Department), Special Districts Division (the Public Works Department) and Transportation Division (the Public Works Department) shall review and approve the final median, parkway, slope, and/or open space landscape/irrigation plans as designated on the tentative map or in these Conditions of Approval prior to the issuance of the first Building Permit.
132. If maintained by City, the Developer, or the Developer's successors or assignees shall be responsible for all parkway and/or median landscape maintenance for a period of one (1) year commencing from the time all items of work have been completed to the satisfaction of Special Districts staff as per the City of Moreno Valley Public Works Department Landscape Design Guidelines, or until such time as the District accepts maintenance responsibilities.
133. Parkway, median, slope and/or open space landscape areas maintained as part of the City of Moreno Valley Community Facilities District 2014-01 shall be required to have independent utility systems, including but not limited to water, electric, and telephone services. An independent irrigation controller and pedestal will also be required. Combining utility systems with existing or future landscape areas not associated with the City of Moreno Valley Community Facilities District (CFD) landscaping will not be permitted.
134. If maintained by City, inspection fees for the monitoring of landscape installation associated with the City of Moreno Valley maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)
135. If maintained by City, plans for parkway, median, slope, and/or open space landscape areas designated in the project's Conditions of Approval for incorporation into a City Coordinated landscape maintenance program, shall be prepared and submitted in accordance with the City of Moreno Valley Public Works Department Landscape Design Guidelines. The guidelines are available on the City's website at www.moval.org/sd or from the Special Districts Division (951.413.3480 or specialdistricts@moval.org).
136. If maintained by City, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the City of Moreno Valley are due upon the first plan submittal. (MC 3.32.040)
137. MAJOR INFRASTRUCTURE FINANCING DISTRICT. This project has been identified to potentially be included in the formation of a special financing district for the construction and maintenance of major infrastructure improvements which may include but are not limited to thoroughfares, bridges, and certain flood control improvements. The property owner(s) shall participate in such district and pay any special tax, assessment, or fee levied upon the project property for such district. At

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the time of the public hearing to consider formation of or annexation into the district, the qualified elector(s) will not protest the formation or annexation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property obtains from the improvements to be installed and/or maintained. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org when submitting an application for the first building permit to determine whether the development will be subjected to this condition. If subject to the condition, the special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution.

138. Street Light Authorization forms for all street lights that are conditioned to be installed as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison. For questions, contact the Special Districts Division at 951.413.3480 or specialdistricts@moval.org.
139. The Moreno Valley Community Services District Zone A (Parks & Community Services) tax is assessed per parcel or per dwelling unit for parcels with more than one dwelling unit.
140. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
141. If maintained by City, landscape and irrigation plans for parkway, median, slope, and/or open space landscape areas designated to be maintained by the City shall be placed on compact disk (CD) in pdf format. The CD shall include "As Built" plans, revisions, and changes. The CD will become the property of the City of Moreno Valley and the Moreno Valley Community Services District.
142. This project is conditioned to provide a funding source for the operation and maintenance of public improvements and/or services associated with new development in that territory. The Developer shall satisfy this condition with one of the options below.
 - a. Participate in a special election for maintenance/services and pay all associated costs of the election process and formation, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or

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b. Establish an endowment fund to cover the future maintenance and/or service costs.

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

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

143. This project has been identified to be included in the formation of a Community Facilities District for Public Safety services including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the property owner shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify the Special Districts Division at 951.413.3480 or specialdistricts@moval.org of its intent to record the final map for the development 90 days prior to City Council action authorizing recordation of the map. This allows adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)
144. Residential (R) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, systems evaluation and enhancements of on-site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated storm water regulations, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or at specialdistricts@moval.org of its selected financial option for the National Pollution Discharge Elimination System (NPDES) program (see Land Development's related condition). Participating in a special election the process requires a 90 day period prior to City Council action authorizing recordation of the final map for the development and to participate in a special election process. This allows adequate time to be in compliance with the provisions of Article 13D of the California Constitution. California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

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

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

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

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

a. Street Lighting Services for capital improvements, energy charges, and maintenance.

b. If maintained by City, Landscape Maintenance Services for parkway, open space, and/or median landscaping.

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

i. Participate in a special election (mail ballot proceeding) and pay all associated costs of the special election and formation, if any. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or

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

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

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

Transportation Engineering Division

147. Conditions of approval may be modified or added if a phasing plan is submitted for this development.
148. All project driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City's Development Code – Design Guidelines and City of Moreno Valley Standard Plans No. MVSI-111A~C-0 for residential driveway approaches.
149. All proposed on-site traffic signing and striping should be accordance with the latest California Manual on Uniform Traffic Control Devices (CAMUTCD).
150. Cactus Avenue is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-1. Any improvements to the roadway shall be per City standards or as approved by the City Engineer. Improvements to Cactus Avenue shall include transition to the existing pavement east and west of the project limits.
151. Bradshaw Circle is classified as a Local Street (60'RW/40'CC) per City Standard Plan No. MVSI-107A-0, modified. Any improvements to the roadway shall be per City standards or as approved by the City Engineer.
152. Communication conduit along project frontage shall be required per City Standard Plan No. MVSI-186-0.
153. Prior to final approval of any landscaping or monument sign plans, the project plans shall demonstrate that sight distance at the project entrances conforms to City Standard Plan No. MVSI-164A, B, C-0.

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154. 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.
155. Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards and approved plans.
156. Prior to issuance of an encroachment permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.

PARKS & COMMUNITY SERVICES DEPARTMENT

157. This project is subject to current Quimby Fees.

ORDINANCE NUMBER 2022-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING CHANGE OF ZONE (PEN21-0204) TO AMEND THE CITY ZONING ATLAS FROM RESIDENTIAL 5 (R5) DISTRICT TO RESIDENTIAL SINGLE-FAMILY 10 (RS10) DISTRICT, FOR THE PROPERTY LOCATED ON THE NORTHEAST SIDE OF CACTUS AVENUE EAST OF MORENO BEACH DRIVE (APN'S 478-090-018, 478-090-024, AND 478-090-025)

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 RC Hobbs Company ("Applicant") has submitted an application for the approval of the Bradshaw Collection project, which includes the approval of a Change of Zone (PEN20-0175) ("Application"), which is a request to amend the City's Zoning Atlas from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District for the property located at the northeast side of Cactus Avenue east of Moreno Beach Drive comprised of approximately 4.81 acres (APN 478-090-018, 478-090-024, and 478-090-025) ("Project Site"), along with requested approval of General Plan Amendment, Conditional Use Permit, and Tentative Tract Map (collectively, the "Proposed Project"); and

1.2 At its November 10, 2022, regular meeting, upon a duly noticed public hearing, the Planning Commission considered the Proposed Project, and denied the associated General Plan Amendment, thereby denying the Change of Zone for the Discovery Residential project and recommended denial to the City Council; and

1.3 The Applicant timely filed an appeal of the Planning Commission's determination; and

1.4 A duly noticed public hearing was held before the City Council on December 20, 2022, for deliberations and decision; and

1.5 The matter was fully discussed, and the public and other agencies were given opportunity to present testimony and documentation; and

1.6 An Initial Study has been prepared for the Proposed Project for the purpose of compliance with the California Environmental Quality Act (CEQA). Based on the Initial Study, including all supporting technical evidence, it was determined that the Proposed Project impacts, as mitigated in accordance with the Mitigation and Monitoring Report, have been reduced to levels of insignificance and there is no substantial evidence supporting a fair argument that the Proposed Project will have a significant effect on the environment in a manner that would otherwise require the preparation and certification of an Environmental Impact Report, and approval of a Mitigated Negative Declaration is an appropriate environmental determination for the Proposed Project.

SECTION 2 EVIDENCE:

That the City Council has considered all of the evidence submitted into the administrative record for Change of Zone (PEN20-0175), including, but not limited to, the following:

- (a) Moreno Valley General Plan and all relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all relevant provisions therein;
- (c) The change the zoning designation of the site from Residential 5 (R5) District to Residential Single-Family 10 (RS10) District, and all other relevant provisions contained therein as shown on Exhibit A;
- (d) Application for the approval of Change of Zone (PEN20-0175) and all documents, records and references contained therein;
- (e) Staff Reports prepared for the Planning Commission and City Council's consideration and all documents, records and references related thereto, and Staff's presentation at the public hearings;
- (f) Testimony and/or comments from Applicant and its representatives during the public hearings; and
- (g) Testimony comments and/or correspondence from all persons that were provided in written format or correspondence, at, or prior to, the public hearings.

SECTION 3 FINDINGS:

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the City Council hereby finds as follows:

- (a) The proposed amendment is consistent with the existing goals, objectives, policies and programs of the General Plan and any applicable specific plan;
- (b) The proposed amendment will not adversely affect the public health, safety or general welfare; and
- (c) The proposed amendment is consistent with the purposes and intent of Title 9.

SECTION 4 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

4.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 981, on August 3, 2021, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification to page 101 of the Official Zoning Atlas as shown on the attached map marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk.

SECTION 5 SEVERABILITY

5.1 That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance 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 ordinance as hereby adopted

shall remain in full force and effect.

SECTION 6 REPEAL OF CONFLICTING PROVISIONS

6.1 That all the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 7 EFFECTIVE DATE

7.1 That this Ordinance shall take effect thirty (30) days after its second reading.

Section 8 CERTIFICATION

8.1 That the City Clerk shall certify to the passage and adoption of this Ordinance, enter the same in the book for original ordinances of the City, and make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Ordinance is passed and adopted.

APPROVED DECEMBER 20, 2022, AND ADOPTED this 3rd day of January, 2023.

CITY OF MORENO VALLEY
CITY COUNCIL

Ulises Cabrera
Mayor of the City of Moreno Valley

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, Interim City Attorney

Exhibits:
Exhibit A: Official Zoning Atlas Pg 101

Attachment: Ordinance No. XXX - Change of Zone [Revision 3] (6019 : Bradshaw Collection)

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. YYYY-__ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

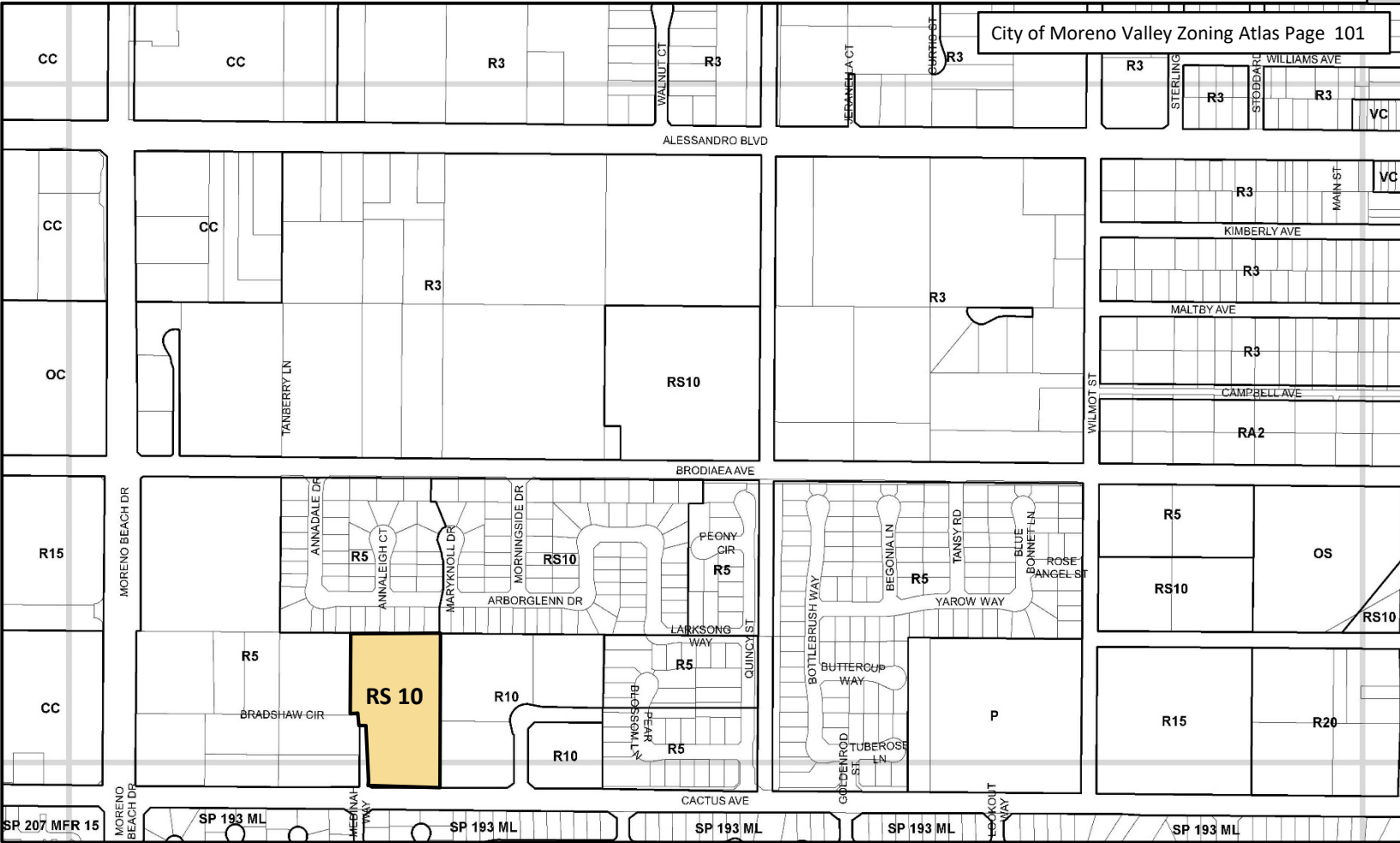
CITY CLERK

(SEAL)


Attachment: Ordinance No. XXX - Change of Zone [Revision 3] (6019 : Bradshaw Collection)

Exhibit A
Official Zoning Atlas Pg 101

Attachment: Ordinance No. XXX - Change of Zone [Revision 3] (6019 : Bradshaw Collection)



PEN20-0175 - Change of Zone

 Proposed Change from Residential 5 (R5) to Residential Single-Family 10 (RS10)

Attachment: Ordinance No. XXX - Change of Zone [Revision 3] (6019 : Bradshaw



MORENO VALLEY UNIFIED SCHOOL DISTRICT

Facilities Planning and
Development
25634 Alessandro Blvd.
Moreno Valley, CA 92553
951-571-7500
www.mvUSD.net

BOARD OF EDUCATION

CLEVELAND JOHNSON
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SUSAN SMITH
Vice President

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Member

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Member

SUPERINTENDENT OF SCHOOLS DR. MARTINREX KEDZIORA

EXECUTIVE CABINET
DR. ESPERANZA ARCE
Chief Academic Officer

SUSANA LOPEZ
Chief Business Official

DR. ROBERT VERDI
*Chief Human
Resources Officer*

Vision Statement
*To empower students to
become future ready and
positively impact the world.*

Mission Statement
*To provide an equitable
education for all students to
be prepared for college
and/or a viable career path
for a successful life.*

October 31, 2022

Magda Gonzalez, Contract Planner
Community Development Department
Planning Division
Post Office Box 88005
Moreno Valley, CA 92552-0805

Project: PEN20-0172, 0173, 0174, and 0175 – Planned Residential Development of 4.81 acres

Subject: Notice of Intent, Mitigated Negative Declaration Letter Received 10/21/22
Tentative Tract Map 37858 (PEN20-0172) Zone Change

Dear Ms. Gonzalez,

The Moreno Valley Unified School District appreciates the opportunity to review the information provided for the above Project.

The District's focus continues to be the health and well-being of our students and staff and we are excited at the prospect of a new residential housing project within our boundaries. Should you have questions regarding schools supporting this community, please let us know.

It should be noted that there would be developer impact fees associated with this residential project, payable to the Moreno Valley Unified School District. At this time, those fees are \$4.79 per square foot for residential projects.

Please contact our Facilities and Planning Team members, Amy Esquibel, MPA (aesquibel@mvusd.net) and Jacob Romero (jromero@mvusd.net) for further information about the process for payment of school fees, or for any additional information. Please keep us informed as to the City's progress in this matter, and any notifications relating to this project.

Sincerely,

Samer Alzubaidi

Director, Facilities Planning & Development
MORENO VALLEY UNIFIED SCHOOL DISTRICT
13911 Perris Blvd., Building A, Moreno Valley, CA 92553

Attachment: Planning Commission Public Comments (6019 : Bradshaw Collection)

**CITY OF MORENO VALLEY
NOTICE OF INTENT
MITIGATED NEGATIVE DECLARATION**

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

Project: General Plan Amendment (PEN20-0174), Change of Zone (PEN20-0175), Conditional Use Permit for a Planned Unit Development (PEN20-0173), Tentative Tract Map 37858 (PEN20-0172)

Applicant: RC Hobbs Company

Owner: Corp of Pres Bishop Church of Jesus Christ of Latter-Day Saints

Representative: Roger Hobbs, RC Hobbs Company

Location: Northside of Cactus Avenue, East of Moreno Beach Drive (478-090-018, 478-090-024, 478-090-025)

Proposal: The applicant proposes to develop a 4.81-acre site with 37-lot single-family residential project. Applications include a General Plan Amendment to change the existing land use designation to Residential 10 (R10) with a Zone Change to change the Zoning designation from Residential 5 (R5) District to the Residential Single-Family 10 (RS10) District, a Conditional Use Permit for a Planned Unit Development for 37 single-family lots, including a park area, sidewalks, and on-site roadway parking.

Council District: 4

This Notice of Intent (NOI) has been prepared to notify agencies and interested parties that the City of Moreno Valley, as the Lead Agency, has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the requirements of the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with construction and operation of the project as described below.

Project Description: The applicant proposes to develop a 4.81-acre site with 37-lot single-family residential project. Applications include a General Plan Amendment to change the existing land use designation to Residential 10 (R10) with a Zone Change to change the Zoning designation from Residential 5 (R5) District to the Residential Single-Family 10 (RS10) District, a Conditional Use Permit for a Planned Unit Development for 37 single-family lots, including a park area, sidewalks, and on-site roadway parking and a Tentative Tract Map to subdivide the parcel.

The Project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Document Availability: The Initial Study/Mitigated Negative Declaration, and all documents incorporated and/or referenced therein, can be reviewed during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and Friday, 7:30 a.m. to 4:30 p.m.) at the City of Moreno Valley Planning Division counter, located at 14177 Frederick Street, Moreno Valley, CA 92553. The documents may also be reviewed on the City's website at <http://www.moreno-valley.ca.us/cdd/documents/about-projects.html>.

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

Comment Deadline: Pursuant to Section 15105(b) of the CEQA Guidelines, the City has established a 20-day public review period for the Initial Study/Mitigated Negative Declaration, which begins October 13, 2022, and ends November 2, 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 p.m. on November 2, 2022. Written comments on the Initial Study/Mitigated Negative Declaration should be addressed to:

Magda Gonzalez, Contract Planner
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Phone: (951) 413-3206
Email: magdag@moval.org

Press-Enterprise
Newspaper

October 13, 2022
Date of Publication

Sean Kelleher, Planning Official
Community Development Department

Attachment: Planning Commission Public Comments (6019 : Bradshaw Collection)

RECEIVED
MORENO VALLEY USD
FACILITIES DEPARTMENT
OCT 21 AM 9:47

Good Evening MORENO VALLEY Planning Commissioners, November 10, 2022.

My name is Bill Redden. I live at 28163 Bradshaw circle and received Occupancy from City in November of 2021. I have watched the process of the General Plan development and noted that the vacant land surrounding my home (on nearly acre) remained designate as 5 dwellings per acre. I did not object to development of 8 homes to north west of me or the a tentative tract map of 6 homes across the street. These housing developments were consistent with General Plan of less than 5 dwellings per acre.

I and home owners surrounding the development are opposed to the development as currently proposed. We are opposed to the proposed General Plan Amendment and change of zone.

Specific issues are as follows.

General Plan Issues.

1. The General Plan 2040 adopted June 2021, states in Scope and Purpose of the General Plan: The Moreno Valley General Plan can be considered the city's development constitution, containing both a statement of community's vision of its long-term development..." page 1-3.
2. Furthermore for clarification, page 2-8 states: "The General Plan Land Use Map illustrates the long-term vision for development and conservation in the planning area.." Having a general plan amendment less than year and half appears to be inconsistent with city's General Plan's scope and purpose.
3. According to General Plan, developments need to be consistent with General Plan polices. Under policy Goal LCC-3: "Build a distinctive sense of place and pride in Moreno Valley. LCC.3-2: use development standards to ensure smooth transitions for areas that that border one another so that neighborhoods and districts maintain their unique qualities while being compatible with one another". Thus even if General Plan amendment is permitted with R10 butting up against R5 area, there must be transition area between these two developments. No transition zone is proposed in the development.

Issues with the Initial Study/Mitigated negative Declaration.

1. On page 29. Inaccurate statement: "The project is to provide 37 new single-family residence, which would be similar to the single-family

p1 of 2

2. residential uses that are adjacent to the west of the site, to the south of the site beyond the flood control channel, and to the north fo the site beyond Finch ave.” As can be noted in Exhibit A showing current housing and projected housing development, this 37 housing development is not similar. Further more, there is no flood channel south of the site and there is no Finch ave north of the site.

Issues with Conditions of Approval.

As stated in traffic study, 359 vehicles per day are to pass through Bradshaw Circle. Bradshaw Circle is designated as private street that does not meet current city standards and is not maintained by the city. The development is only required to make improvements along the west side of Bradshaw circle. The question is how long will the street last with such relatively heavy load of traffic on the street to west?

Significant observation.

The owner lives out of state in Utah and developer/builder lives out of the Riverside county. They are not part of community impacted by their development.

In conclusion please deny the general Plan amendment and zone change. The development should comply with recently approved General Plan of 2040 of 5 dwellings per acre.

Thank you for allowing me to express my concerns regarding this development.

Bill Redden wderedden@gmail.com

28163 Bradshaw Circle, Moreno Valley, CA 92555.

951 442 1103.



EXHIBIT A(wdr)

From: [Robert Beers](#)
To: [Danielle Harper-Scott](#); [Sean P. Kelleher](#)
Cc: [Roger Hobbs](#); [George Meeker](#)
Subject: Request for 2-week continuance for City Council Hearing regarding PEN20-0172
Date: Friday, December 16, 2022 1:37:53 PM

Warning: External Email – Watch for Email Red Flags!

Danielle:

RC Hobbs Company requests a two-week continuance of the City Council Hearing regarding the hearing on the Planning Commission Denial of TTM 37858 along with it's affiliated filings (GPA, ZC, PUD).

Please contact me if you have any questions regarding this request.

Thank you.

Bob Beers
rmbeers777@hotmail.com
(951) 317-2041